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Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 30—THE FEDERAL LAND BANK OF HOUSTON

FEES

Section 30.1 of Title 6, Code of Federal Regulations is amended to read as follows:

§ 30.1 *Application fees; loan fees; land bank, Land Bank Commissioner or joint land bank and Land Bank Commissioner loans.* A fee of $10 will be collected with each new loan application and each application for an additional or increased loan; and an additional fee of $1 per $1,000 or fraction thereof, will be collected at the time a loan is closed, on any amount loaned in excess of $5,000; and

A fee of $5 will be collected with each application for division of an existing loan, and an additional fee of $1 per $1,000 will be collected at the time of closing on any increase granted in excess of $5,000; and,

An additional fee of $10 will be charged for reappraisals made because of delay on the part of an applicant or made at the applicant's request; and,

The initial fee collected in each case will be refunded if no appraisal is made; and

Charges for special services, such as those relating to transfer of title, inspection of improvements, disbursement of insurance funds and changes in maturity dates, will be discontinued. (Sec. 13 "Ninth", 39 Stat. 372, secs. 32, 33, 48 Stat. 48, 49 as amended, secs. 1, 2, 48 Stat. 344, 345; 12 U.S.C. 781 "Ninth", 1016, 1017, 1020, 1020a, and Sup.; 6 CFR 19.322, 19.326, 19.330) [Res. Bd. of Dir. December 16th, 1942]

Section 30.2 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 30.2 *Partial release fees; land bank, Land Bank Commissioner or joint land bank and Land Bank Commissioner loans.* A fee of $10 will be collected with each application for partial release; and,

An additional fee of $10 will be charged for reappraisals made because of delay on the part of an applicant or made at the applicant's request; and,

The initial fee collected in each case will be refunded if no appraisal is made. (Sec. 13 "Ninth", 39 Stat. 372; sec. 32, 48 Stat. 48, as amended, secs. 1, 2, 48 Stat. 344, 345; 12 U.S.C. 781 "Ninth", 1016, 1020, 1020a, and Sup.) [Bd. of Dir. December 16th, 1942]

Section 30.3 and § 30.4 of Title 6, Code of Federal Regulations, are revoked. [Res. Bd. of Dir., December 16th, 1942]

Section 30.5 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 30.5 *Reamortization fees; land bank, Land Bank Commissioner or joint land bank and Land Bank Commissioner loans.* A fee of $10 will be collected with each application for reamortization, the fee to bear no relationship to appraisal expense, if any, but to cover expenses incurred by the bank for abstract costs, recording fees, and other items; and,

An additional fee of $10 will be charged for reappraisals made because of delay on the part of an applicant or made at the applicant's request. (Sec. 13 "Thirteenth", as added by sec. 4, 47 Stat. 1548, sec. 32, 48 Stat. 48, as amended, secs. 1, 2, 48 Stat. 344, 345; 12 U.S.C. 781 "Thirteenth", 1016, 1020, 1020a, and Sup.; 6 CFR 19.282) [Res. Bd. of Dir., December 16th, 1942]

Section 30.6 of Title 6, Code of Federal Regulations, is revoked. [Res. Bd. Dir., December 16th, 1942]

[SEAL] THE FEDERAL LAND BANK OF HOUSTON.

Confirmed: A. P. GRAVES,
Executive Vice President.

[F. R. Doc. 43-524; Filed, January 11, 1943; 10:44 a. m.]

PART 30—THE FEDERAL LAND BANK OF HOUSTON

FEES

Section 30.10 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 30.10 *Fees for releases of personal liability in connection with Federal Land Bank and Land Bank Commissioner loans.* When no reappraisal by a land

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FEDERAL REGISTER

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bank appraiser or investigation is necessary no fee will be charged. When reappraisal or investigation is necessary, a charge will be made to cover the actual expense incurred, not to exceed $10. (Sec. 13 "Ninth", 39 Stat. 372, Sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19.326) [Res. Ex. Com., August 27, 1942, as amended Res. Ex. Com., December 28, 1942]

[SEAL] THE FEDERAL LAND BANK OF HOUSTON.

Confirmed: STERLING C. EVANS, *President.*

[F. R. Doc. 43-523; Filed, January 11, 1943; 10:44 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Food Distribution Administration

[Food Distribution Order 4.1]

PART 1450—TOBACCO

ALLOCATIONS OF 1942 CROP BURLEY TOBACCO

Pursuant to the authority vested in me by Food Distribution Order No. 4, dated January 7, 1943, issued under the authority of Executive Order No. 9280, dated December 5, 1942, and to effectuate the purposes of those orders, *It is hereby ordered*, as follows:

§ 1450.2 *1942 crop burley tobacco, allocation and regulations*—(a) *Meaning of words.* Words in this section in the singular form shall be deemed to import the plural and vice versa as the case may demand.

(b) *Definitions.* When used in this order the terms as defined in Food Distribution Order No. 4,[1] shall have the

[1] 8 F.R. 335.

same meaning. In addition and except as may be provided otherwise herein:

(1) "Dealer" means any person other than a manufacturer who buys and sells leaf tobacco.

(2) "Tobacco" means "burley tobacco" (tobacco of Type 31), as defined in Food Distribution Order No. 4.

(c) *Allocations*—(1) *Manufacturers.* Any manufacturer is authorized to purchase or otherwise acquire tobacco of the 1942 crop, in an amount which shall not exceed 90 percent of the average number of pounds purchased or otherwise acquired by him (including acquisitions of predecessors in interest) of the crops of 1939, 1940, and 1941: *Provided,* That no manufacturer may purchase on auction markets or from producers, either directly or through dealers with whom he places buying orders, an amount of 1942 crop tobacco which shall exceed 90 percent of the average number of pounds of tobacco so purchased by him annually of the crops of 1939, 1940, and 1941, computed according to the number of years, if less than three, during which he made such purchases, less the total pounds of tobacco of the 1942 crop purchased or acquired by him prior to the effective date of this order.

(2) *Dealer.* Any dealer may purchase for his own account on auction markets or from producers, 1942 crop tobacco in an amount which will not exceed his average annual purchases of tobacco for his own account by the same methods of the crops of 1939, 1940, and 1941, computed according to the number of years, if less than three, during which he made such purchases: *Provided,* That dealers, who are now engaged in buying and selling tobacco, but who were not so engaged during the marketing of the 1939, 1940, and 1941 crops of tobacco, who have the organization and facilities to purchase and pack tobacco, may apply to the Director for relief by way of specific allocation under the provisions of § 1450.1 (e), of the Food Distribution Order No.4.

(3) Purchases of tobacco of the 1939, 1940, and 1941 crops resold at auction shall not be included in the computation of the amount authorized to be acquired under allocations.

(4) The execution of manufacturer's buying orders by dealers are not purchases for the dealer's own account and are chargeable to the manufacturer's allocation hereunder.

(5) *Conversion to undried basis.* The poundage figures used in computing allocations shall be reduced to an undried (green weight) basis. Tobacco in the steamdried or airdried condition and in unstemmed form shall be converted to the undried basis by multiplying the number of pounds by the factor 1.11. Tobacco in the steamdried or airdried condition and in stemmed form shall be converted to the undried basis by multiplying the number of pounds by the factor 1.48.

(6) *Modification and amendment.* Allocations as set forth in subparagraphs (1) and (2) are subject to amendment or modification by supplemental order.

(d) *Reports.* Every manufacturer and dealer to whom this order applies shall:

(1) Within ten days from the effective date of this order submit a report to the Director showing his purchases from the 1939, 1940, and 1941 crops of tobacco, including the manner of acquisition (i. e. at auction, from dealers, from producers), together with a statement of his computations with respect to the number of pounds of the 1942 crop of tobacco that he may acquire under this order.

(2) File a report with the Director within ten days after the close of the tobacco auction marketing season showing the total amount of tobacco purchased on auction markets or from producers. (Reporting Requirement approved Bureau of the Budget No. 40–ST 022–43)

(e) *Provisions incorporated by reference.* The provisions of Food Distribution Order No. 4 with respect to reports and records, audits and inspections, petitions for relief from hardship, and violations shall apply to persons to whom this order applies with the same force and effect as if set forth herein.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD–4.1.

(g) *Effective date.* This order shall be effective as of the date of its issuance.

(E.O. 9280, 7 F.R. 10179; Food Distribution Order No. 4, 8 F.R. 335)

Issued this 8th day of January 1943.

[SEAL] ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–496; Filed, January 9, 1943; 11:33 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Food Distribution Administration[1]

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

By virtue of the authority vested in the Secretary of Agriculture by the Packers and Stockyards Act, 1921 (42 Stat. 159, as amended; 7 U.S.C. 1940 ed. secs. 181–231), and Public Law 615—77th Congress, Chapter 421, Second Session, approved June 19, 1942, the following revision of Title 9, Chapter II, Part 201, Code of Federal Regulations (9 CFR and 1939 Supp. §§ 201.1–201.23) is promulgated.

[1] Formerly Chapter II, Agricultural Marketing Administration.

AUTHORITY: §§ 201.1 to 201.91, inclusive, issued under 42 Stat. 159, as amended; 7 U.S.C. secs. 181–231; Pub. Law 615, 77th Cong.

DEFINITIONS

§ 201.1 *Meaning of words.* Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 201.2 *Terms defined.* When used in these regulations, the terms as defined in the Act, shall apply with equal force and effect. In addition, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) "Act" means the Packers and Stockyards Act, 1921 (42 Stat. 159, as amended; 7 U.S.C. 1940 ed. secs. 181–231), and Public Law 615—77th Congress, Chapter 421, second session, approved June 19, 1942.

(b) "Administration" means the Food Distribution Administration of the Department of Agriculture.

(c) "Director" means the Director of the Food Distribution Administration of the Department of Agriculture or any officer or employee of that Administration to whom the Director has heretofore lawfully delegated, or to whom the Director may hereafter lawfully delegate, the authority to act in his stead.

(d) "Department" means the United States Department of Agriculture.

(e) "Deposted market" means a stockyard which no longer comes within the definition of a stockyard, notice of which has been given in accordance with section 302 (b) of the Act.

(f) "Designation" means the designation of a city and the markets or places in or near such city, pursuant to the provisions of title V of the Act.

(g) "Licensee" means any person who holds a valid unrevoked license from the Secretary of Agriculture issued under title V of the Act.

(h) "Livestock Branch" means the Livestock Branch of the Food Distribution Administration, Department of Agriculture.

(i) "Person" means individuals, partnerships, corporations, and associations.

(j) "Posted market" means a stockyard which has been brought within the jurisdiction of the Secretary pursuant to the provisions of section 302 of the Act.

(k) "Registrant" means any person who has registered pursuant to the provisions of title III of the Act and the regulations promulgated thereunder.

(l) "Schedule" means a tariff of rates and charges filed by stockyard owners, market agencies, or licensees.

(m) "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead.

ADMINISTRATION

§ 201.3 *Authority.* The Director shall perform such duties as the Secretary may require in enforcing the provisions of the Act and these regulations.

§ 201.4 *Legitimate by-laws, rules, or regulations of exchanges, associations, or other organizations remain applicable.* These regulations shall not prevent the legitimate application or enforcement of any valid by-law, rule or regulation, or requirement of any exchange, association, or other organization or any other valid law, rule, or regulation to which any packer, stockyard owner, market agency, dealer, or licensee shall be subject which is not inconsistent or in conflict with the Act and these regulations.

POSTING STOCKYARDS

§ 201.5 *Investigation, notice and posting of stockyards.* After it has been determined, as provided in section 302 (b) of the Act, that a stockyard comes within the definition of that term as it is defined in section 302 (a), posting of a stockyard shall be accomplished by (a) giving notice of that fact to the stockyard owner by registered mail or in person, and (b) giving notice of that fact to the public by posting copies of such notice in at least three conspicuous places at such stockyard. A stockyard posted in accordance with the provisions of this regulation shall be within and remain subject to the provisions of title III of the Act until the stockyard has been deposted.

§ 201.6 *Investigation, notice and deposting of stockyards.* After it has been determined, as provided in section 302 (b) of the Act, that a stockyard no longer comes within the definition of that term as it is defined in section 302 (a) deposting of a stockyard shall be accomplished by (a) giving notice of that fact to the stockyard owner by reg-

istered mail or in person, and (b) giving notice of that fact to the public by posting copies of such notice in at least three conspicuous places at such stockyard.

§ 201.7 *Change in name, address, management, control or ownership to be reported by stockyard owner.* Whenever any change is made in the name or address or in the management or nature or in the substantial control or ownership of the business of a posted stockyard, the owner of such stockyard shall report such change in writing to the Director at Washington, D. C. within ten days after making such change.

DESIGNATION

§ 201.8 *Investigation.* Such investigation as may be deemed necessary for the purpose of ascertaining whether a city, and markets and places in or near such city, shall be designated under the Act shall be made by the Administration.

§ 201.9 *Publication.* After it has been determined by the Secretary that a city and markets and places in or near such city should be designated under the provisions of title V, public announcement thereof shall be made by publication in the FEDERAL REGISTER and one or more trade journals or newspapers.

REGISTRATION

§ 201.10 *Persons desiring to register.* Any person desiring to register in compliance with the Act shall furnish the information required by the Director on a form which will be furnished by the Director on request, and shall, concurrently with the filing of such information, file a bond to secure the performance of his financial obligations.

§ 201.11 *Officers, agents, or employees of registrants whose registrations have been suspended or revoked.* Any person who has been or is an officer, agent, or employee of a registrant whose registration has been suspended or revoked and who was responsible for or participated in the violation on which the order of suspension or revocation was based may not register within the period during which the order of suspension or revocation is in effect.

§ 201.12 *Registrants whose registrations have been suspended or revoked.* Any person whose registration has been suspended or revoked may not again register in his own name or in any other manner within the period during which the order of suspension or revocation is in effect.

§ 201.13 *Registrants to report changes in name, address, control, or ownership.* Whenever any change is made in the name or address or in the management or nature or in the substantial control or ownership of the business of a registrant, such registrant shall report such change in writing to the Director at Washington, D. C., within ten days after making such change.

LICENSING

§ 201.14 *Application for, issuance of license; financial and other requirements.* Applications for license pursuant to section 502 (b) of the Act may be made by any person subject to the licensing provisions of the amendment by properly filling out and delivering to the Director at Washington, D. C., by mail or otherwise, a properly executed form of application. Copies of such form will be furnished by the Director on request. A license will be issued to any applicant furnishing the required information unless the Secretary finds after opportunity for a hearing that such applicant is unfit to engage in the activity for which he has made application by reason of his having at any time within two years prior to his application engaged in any practice of the character prohibited by the Act or because he is financially unable to fulfill the obligations he would incur as a licensee. Financial ability may be established upon a showing by the applicant that he has current assets equal to his current liabilities, and, in addition thereto, sufficient free working capital to equal twenty-five (25) percent of his average weekly purchases and/or sales of live poultry according to his books and records, or according to such volume of business as may be reasonably anticipated in case of a new business. If the applicant fails to make such a showing, consideration will be given to such showing of other assets and other liabilities and other factors relating to his ability to fulfill his financial obligations which would be incurred as a licensee and to his reputation and integrity. If the applicant fails to make a satisfactory showing of financial ability, a license will be granted upon his executing and maintaining a satisfactory surety bond or equivalent thereof to a suitable trustee, in accordance with the provisions of §§ 201.33–201.38, inclusive.

§ 201.15 *Licensee to retain license must maintain satisfactory financial condition or furnish surety bond or equivalent.* The granting of a license hereunder is conditioned on the licensee maintaining at all times a financial condition at least equivalent to that required for the issuance of a license or in lieu thereof maintaining a satisfactory surety bond or its equivalent. The failure of a licensee to maintain such a financial condition or surety bond will render his license subject to revocation.

§ 201.16 *Licensees to report changes in name, address, control, or ownership.* Whenever any change is made in the name or address or in the management or nature or in the substantial control or ownership of the business of a licensee, such licensee shall report such change in writing to the Director at Washington, D. C., within ten days after making such change.

SCHEDULES

§ 201.17. *Requirements as to filing by stockyard owners and market agencies.* Each stockyard owner and market agency shall plainly state in the schedule of rates and charges filed by the stockyard owner or market agency, the date when effective, a description of the services, the basis for classifying livestock by species or by weight, the stockyards at which it applies, the name and business address of the stockyard owner or market agency, the kind of livestock, the nature of the service, and the conditions under which the service will be rendered and the rates or charges will be applied.

§ 201.18 *Requirements as to filing by licensees.* Each licensee furnishing or conducting services or facilities for which a charge is made shall plainly state in the schedule of rates and charges filed by such licensee, the date when effective, the city, place, or market at which it applies, the name and the business address of the licensee, the nature of the service or facilities furnished, the terms or conditions under which the service will be rendered, and the rates and charges will be applied.

§ 201.19 *Size, style, and number of copies.* Schedules of rates and charges and amendments thereto of stockyard owners, market agencies, and licensees shall be printed or typed on paper which is approximately 8 by 11 inches in size, the lines of print or type being horizontal to the 8-inch dimension. Two copies of each such schedule or amendment shall be filed with the Packers and Stockyards Division, Livestock Branch, Food Distribution Administration at Washington, D. C., at least one of which shall be signed by the market agency, stockyard owner, or licensee filing the same.

§ 201.20 *Designation, form, and substance of schedules and amendments.* The schedules of each market agency, stockyard owner, and licensee shall be designated by successive numbers as filed. Each such schedule shall be divided into sections to cover the various classes of services furnished by the market agency, stockyard owner, or licensee. Each amendment of such schedule shall be numbered, and shall show the number of the schedule of which it is an amendment. Each such amendment shall in its body make adequate reference to the section or sections of the schedule which is amended, and shall set forth such section or sections in full in the amended or supplemental form. Each amendment shall indicate the numbers of such amendments to the original schedule as are in effect. After a market agency, stockyard owner, or licensee has filed thirty (30) amendments to its schedule, any further change in the rates or charges shall be embodied in a new schedule which shall contain all rates and charges then in effect: *Provided, however,* That not more than ten (10) amendments relating to charges other than for feed may be filed without filing and publishing a new schedule.

§ 201.21 *Rules or regulations affecting rates and charges.* Each stockyard owner, market agency, and licensee shall set out in its schedule of rates and charges every rule or regulation which in any way changes or affects any rate or charge or the value of the services furnished thereunder, and shall designate the rate or charge affected by such rule or regulation.

§ 201.22 *Time and place schedules, rules or regulations, and amendments to*

be filed and posted by stockyard owners, market agencies, and licensees. All schedules and rules or regulations and amendments or supplements thereto required to be filed under this Act by market agencies and stockyard owners shall be kept at their places of business and kept open for public inspection at their places of business. Licensees shall post schedules of rates, charges, and rentals in a conspicuous location in their places of business where they may be readily observed by any interested person. Unless the requirement as to filing and notice is specifically waived, as provided for in section 306 (c) of the Act all amendments to schedules or rules or regulations changing a rate or charge shall be filed with the Packers and Stockyards Division, Livestock Branch, Food Distribution Administration at Washington, D. C., not less than ten (10) days before the effective date thereof.

§ 201.23 *Joint schedules.* If the same schedule is to be observed by more than one market agency or licensee one schedule will suffice for all market agencies or licensees at any one city, place, or market observing it whose names and business addresses are shown on it, together with the name of the organization, if any, by which adopted, *Provided,* At least one copy of such schedule or amendment thereto is signed in ink by each of the market agencies or licensees observing the same, and filed with the Packers and Stockyards Division, Livestock Branch, Food Distribution, Administration at Washington, D. C.

§ 201.24. *Prescribed rates, charges, practices, and regulations.* After the effective date of any general order issued by the Secretary prescribing rates, charges, practices, or regulations governing the rendition of stockyard services, or the selling or buying or the selling and buying of livestock on a commission basis at a stockyard, or governing the rendition of any services or the use of any facilities in a city, place, or market, designated by the Secretary under title V of the Act, every market agency operating on such stockyard and every licensee operating in such city, place, or market shall conform to such order.

§ 201.25 *Proposed increases in existing charges must be supported by specific data.* Each stockyard operator, market agency, and licensee proposing an increase or increases in existing charges either by supplement to a filed tariff or by submission of an original tariff shall forward with the supplement or tariff proposing the increase information as to the reasons for the proposed increase and shall furnish specific and detailed data forming the basis on which the proposed increase is based, together with such additional information as the Director may require.

§ 201.26 *Numbering and form.* The schedules of each market agency, stockyard owner, and licensee shall be designated by successive numbers as filed and shall be substantially in the form set out below:

Tariff or Schedule of Charles No. _____ or Amendment No. _____ to Tariff or Schedule of Charges No. _____ of _____
(Operator's Name) (Operator's Business Address)

(Name Posted Yard or Designated Market Where Charges Apply)

(Location Posted Yard or Designated Market Where Charges Apply)

Issued _____ Effective _____
(Not less than ten days after receipt in Washington Office)

(Insert here, dividing into sections, the various classes of service performed by the stockyard owner or operator, market agency or licensee, the kind of livestock or poultry concerning which services are performed, the nature of the services, and the terms or conditions under which the services are rendered.)

(Operator's Name)

(Signed by) _____
(Owner, Partner, or Official Designation)

MARKET AGENCY AND DEALER BONDS

§ 201.27 *Market agencies and dealers to file on or before commencing operations.* Every market agency and dealer shall, on or before the date of commencement of operations, execute and thereafter maintain, or cause to be executed and thereafter maintained, a reasonable bond or its equivalent satisfactory to the Director, to a suitable trustee to secure the performance of obligations incurred as such market agency or dealer at posted stockyards, and shall immediately file with the Director at Washington, D. C., a fully executed duplicate of such bond. The bond of every market agency acting in the capacity of broker or clearing agency, and thereby being responsible for the financial obligations of other registrants, shall show the name of the person or persons for whom the market agency holds itself out to be responsible and whose obligations are covered by the bond.

§ 201.28 *Underwriter and amount of market agency and dealer bonds.* Surety companies underwriting bonds shall be approved by the Treasury Department of the United States for bonds executed to the United States. The amount of such bond shall be not less than the nearest multiple of one thousand dollars ($1,000) above the average amount of sales or purchases, or both, of livestock by such market agency or dealer during two business days, based on the total number of the business days, and the total amount of such sales or purchases, or both, in the preceding 12 months, or in such part thereof in which such market agency or dealer did business, if any. For the purpose of this computation, 260 shall be deemed the number of business days in any year, *Provided, however,* That where the principal part of the livestock handled by a market agency or dealer is sold or purchased at public auction the amount of the bond should be not less than the nearest multiple of one thousand dollars ($1,000) above an amount determined by dividing the total value of the livestock sold or purchased at auction during the preceding 12 months or such part thereof as the market agency or dealer was engaged in business by the actual number of auction sales at which livestock was sold or purchased, but in no instance shall the divsor be greater than 130. In any case, however, the amount of bond shall be not less than two thousand dollars ($2,000) and when the sales or purchases, or both, calculated as hereinbefore specified, exceed fifty thousand dollars ($50,000) the amount of the bond need not exceed $50,000 plus 10 percent of the excess. Whenever the Director finds any bond required hereinunder to be inadequate, such bond, upon notice, shall be adjusted to meet the requirements of this section. If a person applying for registration as a market agency or dealer has been engaged in the business of handling livestock in such capacities prior to the date of the application, the value of the livestock so handled shall be used in computing the amount of bond in accordance with the provisions of this section.

§ 201.29 *Conditions in market agency and dealer bonds.* Bonds shall contain conditions applicable to the activity or activities in which the market agency or dealer, or both, named as principal in the bond is engaged which conditions shall be as follows or in terms to provide equivalent protection.

(a) Where the principal sells on commission: If the said principal shall safely keep and faithfully and promptly account for and pay to the owners or their duly authorized agents the proceeds of sales of all livestock received for sale on a commission basis by the said principal at a public stockyard as defined in the Packers and Stockyards Act.

(b) Where the principal buys on commission: If the said principal shall faithfully and promptly execute all orders for purchases of livestock undertaken by said principal on a commission basis, on behalf of buyers, at a public stockyard as defined in the Packers and Stockyards Act, and shall safely keep and properly disburse all funds coming into the hands of said principal for the purpose of making such livestock purchases, paying for all livestock so purchased.

(c) Where the principal operates as a dealer (trader): If the said principal shall pay, when due, to the person or persons entitled thereto the purchase price for all livestock purchased by said principal at a public stockyard as defined in the Packers and Stockyards Act.

(d) Where the principal "clears" and thus is responsible for the obligations of other registrants: If the said principal, acting in the capacity of broker or clearing agency, and thereby being responsible for the financial obligations of other registrants at a public stockyard as defined in the Packers and Stockyards Act, viz: (insert here the names of such registrants) _____ shall (1) pay, when due, to the person or persons entitled thereto the purchase price for

all livestock purchased by such other registrant; (2) safely keep and properly disburse all funds coming into the hands of said principal for the purpose of making such purchases; and (3) safely keep and faithfully and promptly account for and pay to the owners or their duly authorized agents the proceeds of sales of all livestock received for sale on a commission basis by such other registrants for whom said principal acts as broker or clearing agency.

§ 201.30 *Trustee in market agency and dealer bonds.* Bonds shall be in favor of a financially responsible, disinterested trustee, satisfactory to the Director. Secretaries or other officers of livestock exchanges or of similar trade associations, and banks and trust companies, or their officers, are deemed suitable trustees.

§ 201.31 *Persons damaged may maintain suit to recover on market agency and dealer bonds.* The bond shall contain a provision that any person damaged by failure of the principal to comply with the condition clauses of the bond may maintain suit to recover on the bond even though such person is not a party named in the bond.

§ 201.32 *Termination of market agency and dealer bonds.* Every bond shall contain a provision requiring that at least ten days' notice in writing be given to the Director at Washington, D. C., by the party terminating such bond in order to effect its termination.

LICENSEES' BONDS

§ 201.33 *Standards for bonds or equivalents submitted by applicants for licenses or licensees under §§ 201.14 and 201.15.* Surety bonds submitted by applicants for licenses and by licensees as provided for by §§ 201.14 and 201.15 shall meet the following standards:

(a) Such bond or equivalent shall be conditioned to secure the performance of the obligations of the licensee incurred as such and may contain such other terms and conditions not inconsistent with the requirements of this regulation as may be agreed on between the parties thereto, including:

(1) Where the applicant or licensee sells live poultry on commission or agency basis the bond or equivalent shall contain the following clause:

If the said principal shall safely keep and faithfully and promptly account for and pay to the owners or their duly authorized agents the proceeds of sales of all live poultry received for sale on a commission basis by the said principal in his capacity as a licensee.

(2) Where the applicant or licensee operates as a dealer, the bond shall contain the following condition clause:

If the said principal shall pay, when due, to the person or persons entitled thereto the purchase price of all live poultry purchased by said principal in his capacity as a licensee.

(b) The principal sum of such bond shall at least be equal to the amount by which the applicant or licensee has failed to meet the requirements of these regulations.

§ 201.34 *Trustee on licensee bonds.* Bonds shall be in favor of a financially responsible, disinterested trustee, satisfactory to the Director. Secretaries of trade associations and banks and trust companies, or their officers, are deemed suitable trustees.

§ 201.35 *Persons damaged may maintain suit to recover on licensee bonds.* The bond shall contain a provision that any person damaged by failure of the principal to comply with the condition clauses of the bond may maintain suit to recover on the bond even though such person is not a party named in the bond.

§ 201.36 *Termination of licensee bonds.* Every bond shall contain a provision requiring that at least ten days' notice in writing be given to the Director at Washington, D. C., by the party terminating such bond in order to effect its termination.

GENERAL BONDING PROVISIONS

§ 201.37 *Underwriter; substantial equivalents acceptable in lieu of bonds.* The surety on bonds maintained under §§ 201.27–201.38 inclusive shall be a surety company approved by the Treasury Department of the United States for bonds executed to the United States. Any other form of indemnity which is found by the Director to afford protection substantially equivalent to that of a surety bond may be accepted in lieu of a bond.

§ 201.38 *Duplicates of bonds or equivalents to be filed with the Director, Washington, D. C.* Fully executed duplicates of bonds or equivalents shall be filed with the Director at Washington, D. C.

PROCEEDS OF SALE

§ 201.39 *Payment of to be to owner or authorized agent by market agencies or licensees; exceptions.* No market agency or licensee shall pay the net proceeds or any part thereof, arising from the sale of livestock or live poultry consigned to it for sale, to any person other than the owner of such livestock or live poultry, or his duly authorized agent, except upon an order from the Secretary of Agriculture or a court of competent jurisdiction, unless such person holds (1) a valid, unsatisfied mortgage or lien upon the particular livestock or live poultry, or (2) a written order executed by the owner at the time of or immediately following the consignment of such livestock or live poultry. The net proceeds arising from the sale of livestock, the ownership of which has been questioned by a market agency duly authorized to inspect brands, marks, and other identifying characteristics of livestock, may be paid in accordance with the directions of such duly authorized market agency, provided, the laws of the State from which such livestock originated or was shipped to market make provision for payment of the proceeds in the manner directed by the authorized agency.

§ 201.40 *Market agencies or licensees not to use shippers' proceeds or funds received for purchases on commission for own purposes through "bank float" or otherwise.* No market agency or licensee engaged in selling or buying livestock or live poultry on a commission or agency basis shall use shippers' proceeds or funds received for the purchase of livestock or live poultry on order for purposes of its own either through recourse to the so-called "float" in the bank account in which the proceeds or funds are deposited or in any other manner.

§ 201.41 *Market agencies or licensees to make faithful and prompt accounting to owners, consignors or other interested persons.* No market agency or licensee shall make such use or disposition of funds in its possession or control as will endanger or impair the faithful and prompt accounting for and payment of such portion thereof as may be due the owner or consignor of livestock or of live poultry or other person having an interest therein.

§ 201.42 *Shippers proceeds accounts.* If the Secretary finds that any market agency or licensee has used for purposes of its own any proceeds derived from the sale of livestock or live poultry handled on a commission or agency basis, or any funds received for the purchase of livestock or live poultry on a commission or agency basis, or any other funds which have come into its possession in its capacity of an agent, such market agency or licensee shall thereafter deposit the gross proceeds received from the sale of livestock or live poultry handled on a commission or agency basis in a separate bank account designated as "Shippers' Proceeds Account", or by a similar identifying designation. Such account shall be drawn on only for payment of the net proceeds to the person or persons entitled thereto and to obtain therefrom the sums due the market agency or licensee as compensation for its services as set out in its tariffs and for such sums as may be required to pay all legal charges against the consignments of livestock or live poultry as the market agency or licensee may, in its capacity as agent, be required to pay for and on behalf of the owner or consignor. For the proper maintenance of such accounts and in order to expedite examination thereof by duly authorized representatives of the Administration, the market agency or licensee in each case shall keep the accounts in a manner which will clearly reflect the handling of the funds in compliance with the requirements of this section.

ACCOUNTS AND RECORDS

§ 201.43 *Market agencies and licensees to make prompt accounting and transmittal of net proceeds.* Each market agency shall, before the close of the next business day following the sale of any livestock consigned to it for sale, transmit or deliver to the owner of the livestock, or his duly authorized agent the net proceeds received from the sale and a true written account of such sale, showing the number, weight, and price of each kind of animal sold, the name of the purchaser, the date of sale, the commission, yardage and other lawful charges and such other facts as may be necessary to complete the account. Each licensee acting as a broker, factor, or commission merchant shall, before the close of the next business day following the sale of

live poultry consigned to it for sale, transmit or deliver to the owner of the live poultry or his duly authorized agent the net proceeds received from such sale and a true written account thereof showing the number of pounds and the price of each kind of poultry sold, the date of sale, the name of the purchaser, the commission, coops, loading, unloading and other lawful charges and such other facts as may be necessary to complete the account and show the true nature of the transaction.

§ 201.44 *Market agencies and licensees to render prompt accounting for purchases on order.* Each market agency and licensee shall, promptly, following the purchase of livestock or live poultry on a commission or agency basis, transmit or deliver to the person for whose account such purchase was made or his duly authorized agent, a true written account of the purchase showing the number, weight, and price of each kind of animal purchased, or the weight and price of each kind of poultry purchased, the name or names of the person from whom purchased, the date of purchase, the commission and other lawful charges and such other facts as may be necessary to complete the account and show fully the true nature of the transaction.

§ 201.45 *Market agencies or licensees to make records available for inspection by owners or consignors or purchasers.* Each market agency and licensee engaged in the business of selling or buying live stock or live poultry on a commission or agency basis shall, on request from an owner, consignor, or purchaser, make available copies of bills covering charges paid by such market agency or licensee for and on behalf of the owner or consignor which were deducted from the gross proceeds of the sale of livestock or live poultry or added to the purchase price thereof when accounting for the sale or purchase.

§ 201.46 *Stockyard owners, registrants and licensees to keep daily record.* In addition to other necessary records an accurate record of the number of head of each class of livestock received, shipped, and disposed of locally each day shall be kept by each stockyard owner. Each registrant buying or selling or buying and selling livestock on a commission basis or otherwise, in addition to other necessary records, shall keep an accurate record of the number and weight of livestock bought or sold or bought and sold each business day, the prices paid or received therefor, and the charges made for services. Each licensee buying or selling or buying and selling live poultry on an agency basis or otherwise, in addition to other necessary records, shall keep an accurate record of the number of pounds of live poultry bought or sold or bought and sold each business day, the price paid or received therefor, and the charges made for services and facilities. Each licensee selling or buying live poultry on an agency basis shall keep an accurate record of the number of coops handled in connection with each transaction.

§ 201.47 *Market agencies or licensees to disclose pecuniary interest in purchasers if any.* No market agency or licensee acting as broker, factor, or commission merchant shall knowingly sell or dispose of livestock or live poultry consigned to it to any person in whose business such market agency or licensee or any stockholder, owner, officer, or employee thereof has a pecuniary interest except when such market agency or licensee clearly discloses such fact on the written account rendered to the owner or consignor of such livestock or live poultry.

§ 201.48 *Sellers of live poultry to issue sales tickets at designated markets.* With respect to each purchase or sale or purchase and sale of live poultry by licensees at designated markets a ticket shall be prepared by the seller. Each ticket shall show the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops and kind of poultry and the price per pound and such terms and conditions as the parties may agree upon. Each ticket shall be legibly signed by the seller and the buyer or authorized representatives thereof and when thus signed shall constitute the contract of purchase and sale. One copy of such ticket shall be retained by the seller. On request a copy shall be furnished to the buyer. A copy shall be transmitted with an accounting of the sale to the owner or consignor of the live poultry if the transaction is one on an agency basis. Settlement between seller and buyer shall be on the basis of the duly executed and signed tickets required by this section unless good cause is shown for settlement on some other basis.

§ 201.49 *Requirements regarding scale tickets evidencing weighing livestock and the poultry.* When livestock or live poultry is weighed for purposes of purchase or sale, or purchase and sale, a scale ticket shall be issued which shall show the name of the agency performing the weighing service, the date of the weighing, the number of the scale or other information identifying the scale upon which the weighing is performed, the name of the seller, the name of the buyer, the name of the consignor, or suitable designations by which the seller, buyer, or consignor may be identified. In the case of livestock in addition to the information referred to above the scale ticket shall show the number of head, kind, and actual weight of the livestock, the amount of dockage, if any, and the name or initials of the person who weighed the livestock. In the case of live poultry in addition to the information referred to above, the scale ticket shall show the number of coops weighed, the gross, tare, and net weights and the name or initials of the person operating the scale at the time the weighing is done. Only stockyard owners, market agencies or licensees shall weigh livestock or live poultry and execute and issue scale tickets. Scale tickets issued under this section shall be in triplicate form, serially numbered and if such tickets are used on a type-registering beam, they shall conform to the specifications of the National Bureau of Standards. One copy shall be retained by the stockyard owner, market agency, or licensee issuing same, and one copy shall be furnished to the seller and one copy to the buyer. Duly authenticated copies shall be furnished on request to any owner or consignor of livestock or live poultry. In the case of any error of the weighmaster in preparing the scale ticket he shall prepare a corrected scale ticket showing the corrections made and state on the back thereof the reasons for such changes: *Provided however*, That no change in weight shall be made except upon a re-weighing of the livestock or live poultry. In the event any change of the scale ticket is requested by either the seller or the buyer the weighmaster shall issue another ticket bearing appropriate corrections or a correction slip which shall show thereon the changes made and on the back thereof shall be shown the reasons for such changes: *Provided however*, That no change in weight shall be made at the request of either the buyer or seller. Before such correction ticket or slip shall be issued the weighmaster shall require the person requesting the change to sign such ticket or slip. The correction ticket shall be attached to the original ticket and bear the same serial number. The correction ticket shall show on its face that it is a correction ticket.

§ 201.50 *Records; disposition.* No stockyard owner, registrant, or licensee shall destroy or dispose of any books, records, documents, or papers which contain, explain, or modify transactions in his business under the Act, without the consent in writing of the Director.

§ 201.51 *Contracts; stockyard owners to furnish copies of.* Each stockyard owner shall furnish to the Packers and Stockyards Division, Livestock Branch, Food Distribution Administration at Washington, D. C., true copies of all contracts, or changes therein, between such stockyard owner and packing, rendering, serum, fertilizer, and other establishments relating to the business of the stockyard owner, except when it is shown that copies of such documents in the form in which they are effective are already in the possession of the United States Government at Washington and available to the Secretary.

§ 201.52 *Information as to rules on commission or agency basis not to be furnished to unauthorized parties.* No market agency or licensee, in connection with the sale of livestock or live poultry on a commission or agency basis, shall give to any person, not authorized by the Director, who does not have an interest in the consignment or a statement in writing from the owner thereof authorizing the market agency or licensee so to do, any copy of an account of sale or other paper or information which will reveal to such person any of the information shown on the account of sale relative to the price at which livestock or live poultry was sold and the amount of the net proceeds thereof remitted to the owner or consignor; *Provided, how-*

ever, That this shall not be construed to prevent a market agency or licensee from furnishing to a trucker, hauling livestock or live poultry for hire, information as to the weight of such livestock or live poultry in order that the trucker may have the necessary facts on which to base his hauling charges; *And provided further,* That this shall not prevent a market agency or licensee from giving to recognized market news reporting services such information as may be necessary to enable such reporting services to furnish the public with market news data.

TRADE PRACTICES

§ 201.53 *Livestock and live poultry market conditions and prices; operators not to circulate misleading reports.* A packer, stockyard owner, registrant or licensee shall not knowingly make, issue, or circulate any false or misleading report, record or representation concerning livestock or live poultry market conditions or the price or sale of any livestock or live poultry.

§ 201.54 *Gratuities to truckers.* No stockyard owner, market agency or licensee engaged in the business of selling or buying or selling and buying livestock or live poultry on a commission basis or otherwise shall give any trucker delivering livestock or live poultry for owners or consignors any gratuities, money, meals, or things of value except advertising novelties having a total value not in excess of 25¢. This regulation shall not preclude loans by a market agency or licensee to a trucker or shipper of livestock or live poultry which are evidenced by an interest bearing note, properly secured, and having a definite due date.

§ 201.55 *Purchases and sales to be made on actual weights.* When livestock or live poultry is bought or sold or bought and sold on a weight basis by persons subject to the provisions of the Act, settlement therefor shall be on the basis of the weight shown on the scale ticket or correction ticket unless shrinkages and other deductions in weight based on the condition of the livestock or live poultry at time of sale are provided for in appropriate rules filed with the Director.

§ 201.56 *Filling orders; prices to be paid.* No market agency engaged in the business of selling and buying livestock, on a commission basis, shall use any livestock consigned to it for sale to fill orders, except at a price higher than the highest available bid on such livestock after it has been offered for sale on the open market in the customary manner.

§ 201.57 *Livestock at auction; buying from consignments; pecuniary interest.* Whenever livestock consigned for sale on a commission basis is offered for sale at auction and is bought by the market agency or by any person in whose business the market agency has a pecuniary interest, the facts regarding the transaction shall be publicly announced by the market agency at the conclusion of the transaction with respect to such livestock. This shall not preclude the bona fide owner or consignor of the livestock from exercising such rights as are conferred on him by the laws of the State, in which the auction market is located, relating to sales of livestock at auction.

§ 201.58 *Sales to be to highest bidder without intermingling and not conditioned on sales of other consignments.* Every market agency and licensee engaged in the business of selling livestock or live poultry on a commission or agency basis shall offer the livestock or live poultry consigned to it for sale on the open market and shall sell such livestock or poultry at the highest available bid. In all instances the market agency or licensee shall sell each consignment of livestock or live poultry on its merits and shall not intermingle, prior to sale and for purpose of sale, the livestock or live poultry belonging to one consignor with the livestock or live poultry belonging to another and different consignor unless the consent of the several consignors has been obtained in advance. A market agency or licensee shall not make the sale of one consignment of livestock or live poultry conditional on the sale of another and different consignment of livestock or live poultry without the consent of the owners. If livestock or live poultry belonging to different owners is graded and sold in lots settlement shall be on the basis of the weight shown on the scale ticket or correction ticket issued at the time the livestock or live poultry is weighed or graded.

§ 201.59 *Taking consignments into own account; accounting; resales.* If a market agency or licensee takes to its own account livestock or live poultry consigned to it for sale on a commission or agency basis, it shall do so only after it has offered such livestock or live poultry for sale on the open market in the customary manner, and then such livestock or live poultry shall be taken into the account of the market agency or licensee only at a price higher than the highest available bid. In such event the market agency or licensee, in accounting to the owner or consignor of the livestock or live poultry, shall show on the account of sale as the purchaser of the livestock or live poultry the full, true, and correct name of the market agency or licensee. In event a market agency or licensee takes to its account livestock or live poultry belonging to one owner and resells the livestock or live poultry belonging to that owner in one lot on the same day at a price higher than that remitted to the owner, such additional price shall be remitted to the owner in a separate accounting.

§ 201.60 *Consignments on commission; officer, agent, or employee of consignee not to deal in.* No market agency or licensee shall permit its officers, agents, or employees to deal in livestock or live poultry consigned to the market agency or licensee for sale on a commission or agency basis.

§ 201.61 *Consignments; sales to clearees.* A market agency or licensee who sells livestock or live poultry consigned to it for sale on a commission or agency basis to a dealer or licensee whose financial obligations are cleared by such market agency or licensee shall report that fact in accounting to the owner or consignor of the livestock or live poultry.

§ 201.62 *Filling orders out of consignments of livestock; accounting.* Whenever any market agency uses livestock, consigned to it for sale on a commission basis, to fill an order on a commission basis, such market agency in accounting to the consignor or owner of the livestock so used shall fully and correctly disclose the fact that the livestock was sold to a purchaser for whom the market agency was filling an order on a commission basis. The market agency in accounting to the purchaser of such livestock, for whom it is filling an order on a commission basis, shall fully and correctly disclose to such purchaser that the livestock was purchased out of a consignment received by the market agency for sale on a commission basis.

§ 201.63 *Consignments; when not to be solicited.* No market agency or licensee shall solicit consignments of livestock or live poultry at or on stockyard premises or in designated areas or after such livestock or live poultry has been billed or consigned to a market agency or licensee and is in course of transportation for delivery to the consignee.

§ 201.64 *Consignments; guarantees not to be given.* No market agency or licensee, in soliciting consignments of livestock or live poultry shall guarantee to the owners thereof that such livestock or live poultry will be sold at a specific price or prices if consigned to the market agency or licensee for sale on a commission basis.

SERVICES

§ 201.65 *Accurate weights.* Each stockyard owner, market agency, or licensee, who weighs livestock at stockyards or live poultry in designated markets shall maintain and operate the scales used for such weighing so as to insure accurate weights.

§ 201.66 *Scales: testing of.* Each stockyard owner, market agency, or licensee who weighs livestock or live poultry for purposes of purchase or sale or who furnishes scales for those purposes shall cause such scales to be tested properly by competent agencies at suitable intervals in accordance with instructions of the Director, copies of which will be furnished to each stockyard owner, market agency, or licensee.

§ 201.67 *Scale operators to be competent.* Each stockyard owner, market agency, or licensee shall employ only competent persons to operate scales for weighing livestock and live poultry for the purposes of purchase or sale. They shall require such employees to operate the scales in accordance with instructions of the Director copies of which will be furnished to each stockyard owner, market agency, or licensee who employs persons to operate scales used for the purposes herein indicated.

§ 201.68 *Scales; reports of tests and inspections.* Each stockyard owner, mar-

ket agency, or licensee, who weighs livestock and live poultry for purposes of purchase or sale, shall furnish reports of tests and inspections of scales used for these purposes, on forms which will be furnished by the Director on request. When executed one copy of such form shall be retained by the stockyard owner, market agency, or licensee, and he shall cause one copy to be retained by the agency conducting the test and inspection of the scales, and the third copy shall be delivered to the local supervisor of the Packers and Stockyards Division, Livestock Branch, Food Distribution Administration, having charge of the work under the Act in the particular district in which the scales being tested are located. In case the test and inspection of scales as herein required are conducted by an agency of a State or municipality or other governmental subdivision, the forms ordinarily used by such agency for reporting tests and inspections of scales shall be accepted in lieu of the forms furnished for this purpose by the Director, *Provided*, That the test and inspection forms used by the State or other governmental agency contain substantially the same information as that required by the official form.

§ 201.69 *Scales: repairs and adjustments after inspection.* No scale shall be used by any stockyard owner, market agency or licensee unless it has been found upon test and inspection to be in a condition to give accurate weights. If any repairs, adjustments or replacements are made upon a scale it shall not be placed in use until it has again been tested and inspected in accordance with these regulations.

§ 201.70 *Reweighing.* Stockyard owners, market agencies, or licensees or their employees shall reweigh livestock or live poultry on request of duly authorized employees of the Administration.

§ 201.71 *Weighing for purposes other than purchase or sale.* Every stockyard owner, market agency, or licensee who weighs livestock or live poultry for purposes other than purchase or sale shall show on the scale tickets or other records used in connection with such weights the fact that they are not weights for purposes of purchase or sale.

§ 201.72 *Facilities and services at posted stockyards, or designated cities, markets, or places; no discrimination.* A stockyard owner shall not discriminate unfairly with respect to the utilization of pens, alleys, buildings, or facilities for the yarding, weighing or handling of livestock or the space for packing, rendering, and other establishments, or otherwise in the services and facilities of his stockyard. A licensee shall not discriminate unfairly with respect to the utilization of facilities for the handling of live poultry at designated cities, markets, or places or discriminate unfairly in the weighing or handling of live poultry or otherwise in the services rendered thereat.

§ 201.73 *Stockyard facilities or services to be furnished only to unsuspended, properly registered and bonded parties.* No stockyard owner or operator shall, after notice, furnish services or facilities at his stockyard to any person who attempts to engage in the business of a market agency or dealer at his stockyard without being properly registered and bonded as required by the Act and these regulations or whose registration is under suspension.

§ 201.74 *Suspended or revoked registrants or licensees.* No registrant or licensee shall, after notice, furnish services or facilities or sell livestock or live poultry to or buy livestock or live poultry from any person required by this Act and these regulations to be registered and bonded or licensed who is not so registered and bonded or licensed or whose registration or license is suspended or revoked.

§ 201.75 *Livestock; yarding, feeding, watering, weighing, handling; care and promptness.* Each stockyard owner and registrant shall exercise reasonable care and promptness in respect to yarding, feeding, watering, weighing, or otherwise handling livestock to prevent waste of feed, shrinkage, injury, death, or other avoidable loss.

§ 201.76 *Live poultry; care and promptness in handling.* Each licensee shall exercise reasonable care and promptness in respect to unloading, placing in coops, feeding, watering, weighing, transporting, or otherwise handling live poultry to prevent waste of feed, shrinkage, injury, death, or other avoidable loss.

§ 201.77 *Feed and water furnished livestock and live poultry.* Each stockyard owner, market agency, or licensee, who furnishes feed or water to livestock at stockyards or live poultry in designated areas shall see that it is wholesome and fit for the purpose. They shall collect for feed so furnished according to actual or carefully estimated weight only and in accordance with their schedules of rates and charges filed under the Act.

§ 201.78 *Livestock auctions; accommodations, attendance, and admissions.* Stockyard owners or market agencies shall furnish adequate accommodations for the public to see and place bids on livestock offered for sale at auction but only those persons whose presence is necessary to the proper handling, buying, and selling of the livestock shall be permitted in the auction ring while the auction is in progress.

§ 201.79 *Packer scales; maintenance, operation, tests, and reports.* Packers owning or operating scales on which livestock is weighed for purposes of purchase in commerce for slaughter shall maintain and operate such scales so as to insure accurate weights.

INSPECTION OF BRANDS, MARKS AND OTHER IDENTIFYING CHARACTERISTICS

§ 201.80 *Application for authorization by state agencies or duly authorized state livestock associations; requisites.* A department or agency of a State, or a duly organized livestock association of a State in which branding or marking of livestock, or both, as a means of establishing ownership prevails by custom or statute, which desires to secure an authorization to charge and collect at any stockyard subject to the provisions of this Act a reasonable and nondiscriminatory fee for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from such State for the purpose of determining the ownership of such livestock shall file with the Director an application for such authorization in writing. The application shall set forth clearly facts showing the necessity for inspection and shall show that branding or marking, or both branding and marking, livestock as a means of establishing ownership prevails by custom or statute in the State. The application shall set forth additional information, including facts showing the experience, extent and efficiency of organization, possession of necessary records, and any other factor relating to the ability of the applicant to perform the proposed service, and in addition, in the case of a duly organized livestock association, the financial responsibility of the applicant and evidence of its organization. The application shall further state the name or names of the stockyards at which the applicant proposes to perform this service, and the fee which applicant proposes to charge for rendering the service.

§ 201.81 *Two or more applications from same state; procedure.* In case two or more applications for authorizations to collect a fee for the inspection of brands, marks, and other identifying characteristics of livestock, for the purpose of determining the ownership of such livestock, are received from the same State, and the facts set forth in the applications show such action to be necessary in order to reach a proper determination, a hearing will be held in conformity with the applicable rules of practice governing proceedings under the Act.

§ 201.82 *Registration and filing of schedules.* Upon the issuance of an authorization to an agency or an association, said agency or association shall register in accordance with the provisions of § 201.10 and shall file a schedule of its rates or charges for performing the service in the manner and form prescribed by §§ 201.17 to 201.26, inclusive.

§ 201.83 *Records of authorized agencies or associations.* Authorized agencies or associations shall maintain adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of same as expenses for conducting the services, the inspections performed, and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of livestock which have been inspected. They shall also maintain currently records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate, and with reference to which the authorization has been granted.

§ 201.84 *Fees; deduction and accounting.* Persons registered as market

agencies selling livestock on a commission basis, at stockyards where an agency or association has been authorized under the provisions of section 317 (a) of the Act to collect a reasonable fee for the inspection of brands, marks, and other identifying characteristics of livestock shall deduct from the proceeds of the sale of such livestock on which such inspection has been performed, the fee as set forth in the tariffs filed by the agency or association and in effect at the time the services are rendered, and shall pay over to the authorized agency or association the amount of such fees. Said market agencies in accounting to the owner or consignor of the livestock on which such fees are collected shall clearly show the amounts deducted from the proceeds for the payment of such fees and the purpose for which the payments are being made. All other persons receiving at posted stockyards livestock which is subject to inspection by an agency or association which has been authorized under the provisions of section 317 (a) of the Act to collect a reasonable fee for the inspection of brands, marks, and other identifying characteristics of livestock, shall pay, upon demand, to such agency or association the fees authorized by the Act to be assessed and collected.

§ 201.85 *Inspections; reciprocal arrangements by authorized agencies or associations.* An authorized agency or association may make arrangements with an association or associations in the same or in another State, where branding or marking livestock prevails by custom or statute, to perform inspection service at posted markets on such terms and conditions as may be approved by the Director: *Provided,* Such arrangements will tend to further the purposes of the Act and shall not result in duplication of charges or services.

§ 201.86 *Maintenance of identity of consignments; inspection to be expedited.* All persons having custody of livestock subject to inspection shall make it available to the inspection agency authorized under the Act in such manner as to preserve the identity of the consignment until inspection has been completed. Agencies authorized to conduct such inspection shall perform the work as soon after receipt of the livestock as practicable and as rapidly as is reasonably possible in order to prevent delay in marketing, shrinkage in weight or other avoidable losses.

§ 201.87 *Existing contracts between authorized agencies; recognition and continuation.* The provisions of existing contracts between agencies authorized to collect fees and market agencies engaged in selling livestock on a commission basis, with reference to disposition of proceeds arising from the sale of livestock as to which ownership has been questioned, shall not be affected by these regulations to the extent that such contracts contain no provisions which are in conflict with the law or these regulations. Copies of all such contracts shall be filed promptly with the Director at Washington, D. C.

GENERAL

§ 201.88 *Information as to business: furnishing of by packers, stockyard owners, registrants, and licensees.* Each packer, stockyard owner, registrant, and licensee shall give to the Secretary or his duly authorized agent, in writing or otherwise, and under oath or affirmation if requested by such officer, any information concerning the business of the packer, stockyard owner, registrant, or licensee which may be required in order to carry out the provisions of the Act and the rules and regulations thereunder, within such reasonable time as may be specified in the request for such information.

§ 201.89 *Places of business, property, and records; inspection of.* Each stockyard owner, registrant, and licensee shall, during ordinary business hours permit any authorized representatives of the Secretary to enter the place of business and inspect any or all property in the possession or control and all records pertaining to the business of the stockyard owner, registrant, or licensee as such, and to make copies thereof, in order to carry out the provisions of the Act and the rules and regulations thereunder. Any necessary facilities for such inspection shall be extended to such representative by the stockyard owner, registrant, or licensee, his agents and employees.

§ 201.90 *Packers, stockyard owners, registrants or licensees; information concerning business not to be divulged.* No agent or employee of the United States shall, without the consent of the packer, stockyard owner, registrant, or licensee concerned, divulge or make known in any manner, except to such other agent or employee of the United States as may be required to have such knowledge in the regular course of his official duties or except in so far as he may be directed by the Secretary or by a court of competent jurisdiction, any facts or information regarding the business of any packer, stockyard owner, registrant, or licensee which may come to the knowledge of such agent or employee through any examination or inspection of the business or accounts of the packer, stockyard owner, registrant, or licensee, or through any information given by the packer, stockyard owner, registrant, or licensee pursuant to the rules and regulations in this part.

§ 201.91 *Annual reports.* Every packer, stockyard owner, market agency, dealer, and licensee, shall, upon request of the Director, file annually a report on prescribed forms and within such reasonable period as he may direct. The Director on good cause shown or on his own motion may waive the filing of such reports in particular cases.

The foregoing regulations shall become effective upon issuance.

Done at Washington, D. C., this 8th day of January 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-507; Filed, January 9, 1943; 1:44 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS AND ADDITIONS

The following amendments and additions to the regulations contained in Part 81 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated September 5, 1942,[1] as amended by changes No. 9, December 16, 1942,[2] In section numbers the figures to the right of the decimal point correspond with the respective paragraph numbers in the procurement regulations.

AUTHORITY: Sec. 5a National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193–1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601–622.

MISCELLANEOUS PROHIBITIONS

The section headnote of § 81.110 is amended to read as follows:

§ 81.110 *Prohibition against use of troop labor.* * * *

NEGOTIATED PURCHASES

Paragraph (g) is added to § 81.205 as follows:

§ 81.205 *Special instructions.* * * *

(g) *Scheduling of deliveries.* Overordering and improper scheduling of deliveries must be avoided in order to preclude the possibility of causing disruptions of industries. When orders are placed with manufacturers calling for immediate delivery of yearly requirements it necessitates a sudden increase in manpower and eventually leads to their being forced to close their plants for lack of orders. It is apparent that this practice of overordering and failing to schedule deliveries properly tends to disrupt the Army Supply Program by not having industry available and in production when and as needed. Existing contracts should be reviewed with a view to re-scheduling deliveries so that deliveries will be made only a short time in advance of the time that the supplies are actually needed, and deliveries under future contracts should be scheduled in the same manner.

AUTHORITY TO MAKE AWARDS, CONTRACTS, AND MODIFICATIONS THEREOF; REQUIRED APPROVALS

Sections 81.308, 81.308a, and 81.308b are redesignated §§ 81.308a, 81.308b, and

[1] 7 F.R. 8082.

[2] For previous changes see 7 F.R. 8163, 9268, 9660, 10184, 10247, 10640 and 10906.

81.308c, respectively, and new §§ 81.308 and 81.308d are added as follows:

§ 81.308 *Supplemental agreements and clauses prescribed by §§ 81.322 to 81.359.* Except as otherwise specifically provided to the contrary in § 81.1206 or in any other paragraph of these procurement regulations, whenever any contract (either as originally drawn or as the same may have been modified, amended or supplemented) contains a provision covering the same subject matter as a clause prescribed by §§ 81.322 to 81.359, but in a form different from that therein prescribed, it will not be necessary, in executing any supplemental agreement or change order in connection with said contract, to amend such provision either with respect to the items which are the subject of the contract or with respect to the items which are the subject of the supplemental agreement or change order.

§ 81.308a *Supplemental agreements and change orders not involving receipt of consideration.* * * *

§ 81.308b *Correction of mistakes.* * * *

§ 81.308c *Contracts or supplemental agreements providing for advance payments.* * * *

§ 81.308d *Ratification of prior action.* In any case where an existing War Department contract or any section of these procurement regulations requires that any action affecting a War Department contract be approved by a contracting officer, chief of a supply service or other representative of the War Department in advance of the taking of such action or that it be so approved in writing by such officer or representative of the War Department after such action has been taken or after such stated time, such action may be ratified in writing by such officer or representative of the War Department after such action has been taken or after such stated time. Such ratification will take effect retroactively as of the date specified in the written instrument of ratification. In general, cases which are appropriate for the exercise of the authority contained in this section will fall into one of two categories, namely: (a) cases where, in the interest of expediting production and without obtaining the requisite prior approvals, action has been taken in reliance in good faith upon assurances of a person in authority, or (b) cases where the action taken without such assurances was of a nature which would have been approved had approval been sought seasonably. The prosecution of the war will be facilitated by the liberal use of the authority contained in this section.

FORMALITIES IN CONNECTION WITH EXECUTION OF CONTRACTS AND MODIFICATIONS THEREOF

Section 81.314 (d) is amended as follows:

§ 81.314 *Consent of sureties to modifications.* * * *

(d) *Examination of consents of sureties.* The original of each consent of surety required by paragraphs (a) and (b) of this section, together with the original signed number of the supplemental agreement or change order to which it relates will be forwarded through the Judge Advocate General to the General Accounting Office. The Judge Advocate General will examine the consent of surety as to form, execution and legal sufficiency and will then forward it together with the supplemental agreement or change order to the General Accounting Office for filing.

* * * * *

DISTRIBUTION OF CONTRACTS AND ORDERS THEREUNDER

Section 81.318 (a) is amended as follows:

§ 81.318 *Special cases*—(a) *Purchases under contracts of Procurement Division, Treasury Department; Navy Department; Post Office Department; etc.* (1) Purchase orders covering such purchases will be distributed in accordance with § 81.317.

(2) The chief of the supply service concerned will secure compliance with all special instructions of the respective agencies which make the contracts.

(3) Vouchers submitted to the General Accounting Office may relate to less than all of the items covered by the purchase order.

* * * * *

MANDATORY AND OPTIONAL CONTRACT PROVISIONS

Clause (f) of the "Advance Payments" clause quoted in § 81.347 is amended as follows:

§ 81.347 *Advance payments with interest.* * * *

(f) On the unliquidated balance of the advance payments outstanding, the contractor agrees to pay interest at the rate of two and one-half per cent per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits arising from deductions from payments to the contractor under this contract shall be made as of the dates the checks for such payments are drawn; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest so determined shall be deducted from the payments otherwise due to contractor under this contract: *Provided, however,* That in no event shall deductions on account of interest exceed five per cent (5%) of the gross payment due the contractor prior to any deduction under this paragraph or paragraph (e) or any other provisions of this contract. In the event the accrued interest exceeds such five per cent, the excess of such interest shall be carried forward and deducted from subsequent payments. The interest shall not be compounded, and shall, subject to the provisions of paragraph (d) hereof, cease to accrue upon the termination of the contract for other than the fault of the contractor, or upon the date found by the Contracting Officer to be the date upon which the contractor completed his performance under the contract.

* * * * *

Section 81.348 is amended as follows:

§ 81.348 *Advance payments without interest.* A clause substantially as follows will be included in fixed price contracts when it is contemplated that advance payments without interest will be made thereon:

* * * * *

Section 81.349 is added as follows:

§ 81.349 *Advance payments; additional provision.* The following sentences may be inserted immediately following the second sentence of clause (c) of the Advance Payments Articles set forth in §§ 81.347 and 81.348 when (a) a contractor has more than one contract with the supply service concerned and segregation of materials and separate accounting between the contracts are difficult or impracticable and (b) the contracts to be included within the pooling arrangement run concurrently or substantially overlap each other in time of performance:

When so authorized in writing by the Contracting Officer or his duly authorized representative, funds received as advance payments under this contract and any other contract or contracts now in existence or hereafter entered into between the _____ and the Contractor, together with any or all payments under this contract and such other contracts which are required to be deposited in a special account, may be considered to be a single revolving fund which may be used by the Contractor for the purposes of any or all of said contracts without regard to the origin of such funds. In such event, any provision of this contract inconsistent with the foregoing provisions shall be automatically modified accordingly.

(Chief of supply service)

Under like circumstances a similar insertion may be made after the second sentences of Article 3 of War Department Contract Forms Numbers 20 and 23. (See §§ 81.1320 and 81.1323.)

PROCUREMENT RESPONSIBILITY AND PURCHASE RESPONSIBILITY

In § 81.604 paragraph (a) is rescinded, paragraph (b) is redesignated paragraph (c), and new paragraphs (a) and (b) are added as follows:

§ 81.604 *Assignment of procurement and purchase responsibility.* The Procurement and Assignment Board shall have authority, with the approval of the Director of Procurement, to assign procurement responsibility and purchase responsibility in regard to all items or classes of items. Such responsibilities for a specific item or class of items may be assigned to the same service or to different services. Appendix I to these regulations contains a list of items and classes of items, for which procurement and purchase responsibility have been assigned by the Procurement Assignment Board. Additions to and changes in this list will be made from time to time. Procurement responsibility and purchase responsibility for a given item or class of items will remain with the service or services exercising such responsibilities unless and until otherwise assigned by the Board.

(a) In any given transaction, purchase of any item may be effected by a service other than the service having purchase responsibility: *Provided*, That either

(1) The item is required within a brief period of time and in the judgment of the service requiring the item cannot be provided in such time by the service having purchase responsibility for the item, or

(2) The service having purchase responsibility has first been consulted and has expressed its agreement.

In either case a report of the transaction should be made to the Procurement Assignment Board, Headquarters, Services of Supply, promptly after the completion of the transaction if the amount thereof exceeds $500.

(b) In any case where pursuant to the provisions of subparagraph (1) or (2) of paragraph (a) of this section, a purchase is made by a service other than the service having purchase responsibility, the voucher submitted to the General Accounting Office will contain, or be accompanied by, a statement (1) indicating that the service having purchase responsibility was first consulted and expressed its agreement, or (2) giving the specific reasons why the time element made such purchase necessary, as the case may be. It is to be emphasized that when such purchase is to be justified on the basis of the time element, a mere conclusion is not sufficient but a full and complete statement giving the specific reasons why the time element made such purchase necessary should be furnished.

(c) The purpose of assigning purchase responsibility as a separate and distinct function is (1) to permit centralization of purchase or purchase control and thereby to eliminate competition among the several supply services purchasing from industry, (2) to secure for the War Department the advantages incident to mass buying, and (3) to facilitate the control of purchasing procedure in cases where War Production Board Limitation Orders affect the supply of raw material and manufactured articles. Responsibility for inspection and acceptance in regard to a particular item or class of items may be assumed by the service having procurement responsibility: *Provided*, Such procedure is agreed upon by the service having purchase responsibility in regard to such item or class of items.

INTERDEPARTMENTAL PURCHASES

In § 81.606 paragraph (a) is amended, paragraph (b) and (c) are redesignated paragraphs (c) and (d) respectively, and a new paragraph (b) is added as follows:

§ 81.606 *Purchases under contracts of Procurement Division, Treasury Department*—(a) *Requirement.* Purchases will be made from Contracts of the Procurement Division, Treasury Department (General Schedule of Supplies), when so directed by the chief of the supply service concerned or when required by the terms of the contracts unless the item can not be furnished under such contracts within the time that the item is required by the supply service concerned.

(b) *Emergency purchases.* In any case where pursuant to the provisions of paragraph (a) of this section purchase of an item listed in the General Schedule of Supplies, is not made under a General Schedule of Supplies contract because the item could not be furnished under such a contract within the time that the item was required, the voucher submitted to the General Accounting Office will contain, or be accompanied by, a statement showing clearly that the time element made such purchase necessary. It is to be emphasized that a mere conclusion is not sufficient, but a full and complete statement giving the specific reasons why the time element made such purchase necessary should be furnished.

(c) *Procedure.* Chiefs of supply services are responsible for advising contracting officers as to the terms and conditions of all such contracts and as to whether purchases therefrom are mandatory.

(d) *"Schedule of Stock Items".* This publication of the Procurement Division of the Treasury Department lists the items which are carried in stock in the warehouse of that Division in Washington, D. C., primarily to supply the needs in that city. Field agencies of the War Department will not place orders on the Procurement Division for items which are stocked in the warehouse in Washington, D. C., for shipment outside the District of Columbia. This publication should not be distributed to War Department field agencies outside of Washington, D. C.

STATE AND LOCAL TAXES

Section 81.810 is amended and § 81.810a is added as follows:

§ 81.810 *Applicable tax directives.* While the various state and local tax laws are not uniform in their application, as a general rule Government purchases are exempt from such taxes. Neither are such laws uniform in their application to purchases by Government contractors. Information will be published from time to time as to the procedure to be followed with regard to state and local taxes. Information already published is contained in a series of memoranda for the Chiefs of the Supply Services and others as follows:

Alabama, January 12, 1942 (past transactions); January 23, 1942 (future transactions) as amended June 12, 1942.
Arkansas, April 15, 1942 (future transactions).
California, December 3, 1941, as amended August 10, 1942.
Colorado, November 30, 1942.
Georgia, January 30, 1942 (future transactions); February 13, 1942 (past transactions).
Illinois, January 23, 1942 (future transactions); June 26, 1942 (all manufacturing transactions).
Indiana, February 6, 1942 (transactions occurring on or after January 1, 1942, as amended March 6, 1942 and June 20, 1942); February 6, 1942 (transactions prior to January 1, 1942) (revisions pending).
Iowa, October 13, 1942.
Michigan, May 1, 1942.
Mississippi, May 5, 1942, as amended June 12, 1942.
Missouri, August 29, 1942 (transactions after February 6, 1942); August 29, 1942 (past transactions).
North Dakota, April 27, 1942.
Ohio, May 18, 1942.
Pennsylvania, April 9, 1942.
South Dakota, April 7, 1942 (future transactions).
Texas, January 23, 1942 (future transactions).
Utah, September 30, 1942.
Virginia, January 30, 1942 (future transactions).
Washington, April 27, 1942.
West Virginia, February 7, 1942 (future transactions as amended April 8, 1942).
Wyoming, April 24, 1942.

(a) Information as to the situation in other states or advice with respect to particular problems in the states listed above should be obtained from the Office of The Judge Advocate General by inquiry addressed to the attention of the Chief, Tax Division.

(b) The instructions contained in the memoranda listed above are modified by the provisions of § 81.810a (a) as they relate to the form of certificates required on invoices of subcontractors and suppliers under cost-plus-a-fixed-fee contracts.

§ 81.810a *Certificate of non-inclusion of state or local taxes in amounts billed.* Where purchases of materials or services by cost-plus-a-fixed-fee contractors or cost-plus-a-fixed-fee subcontractors are exempt from state or local taxes, the vendor's invoices, except as provided in paragraph (a) of this section, should contain the following statement:

State or local sales, use and similar taxes are not included in the amounts billed.

Where purchases by cost-plus-a-fixed-fee contractors or cost-plus-a-fixed-fee subcontractors are not exempt from state or local taxes the above statement may be omitted from vendor's invoices, but such taxes must be separately itemized.

(a) *Tax provisions of purchase orders issued by cost-plus-a-fixed-fee contractors and cost-plus-a-fixed-fee subcontractors.* Cost-plus-a-fixed-fee contractors and cost-plus-a-fixed-fee subcontractors may include in their purchase orders covering supplies or materials the following statement:

Any state or local sales, use, or similar tax, included in the amounts billed *must* be separately stated and itemized. It is understood, and the acceptance of this order shall constitute an agreement, that unless such taxes are separately stated and itemized, no such taxes are included in the amounts billed.

If this statement is included in the purchase order and if no state or local taxes are included in the amount billed to such cost-plus-a-fixed-fee contractor or cost-plus-a-fixed-fee subcontractor, the supplier of such supplies or materials need not include upon his invoice the statement quoted in § 81.810a that certain state or local taxes are not included in the amounts billed. However, even where the purchase order contains the statement quoted above in this paragraph, the invoice of the supplier under the purchase order must separately state and itemize all state or local sales, use or similar taxes which are in fact included in the price billed.

OVERTIME WAGE COMPENSATION

Section 81.965 (a) is amended as follows:

§ 81.965 *Exceptions*—(a) *Shipbuilding Stabilization Agreement.* All work subject to the Zone Standards Agreement for the Shipbuilding and Ship Repair Industry has been excepted from the provisions of the order for the period ending January 31, 1943.

* * * * *

WAGE AND SALARY STABILIZATION

Section 81.977 is amended; paragraphs (a), (b), and (c) are redesignated §§ 81.977a, 81.977b, and 81.977c, respectively; and §§ 81.977d to 81.977kk are added as follows:

§ 81.977 *Regulations of Commissioner of Internal Revenue.* From time to time the Commissioner of Internal Revenue issues regulations, with the approval of the Secretary of the Treasury, establishing procedures and rules for the administration and interpretations of such portions of Executive Order No. 9250 and of the regulations of the Economic Stabilization Director approved by the President on October 27, 1942 (§ 81.976 (p)) as are administered by the Commissioner of Internal Revenue. These regulations are set forth in §§ 81.977a to 81.977kk.

§ 81.977a *Salary Stabilization Unit* (*§1001.1*). There is established a Salary Stabilization Unit, which shall be under the supervision of a deputy commissioner of internal revenue, appointed in accordance with law, and which shall be independent of all other units of the Bureau of Internal Revenue.

§ 81.977b *Authority of Unit* (*§ 1001.2*) The Commissioner of Internal Revenue may confer upon the deputy commissioner in charge of the Salary Stabilization Unit such powers and duties as he shall deem necessary for the effective administration of the provisions of this Treasury decision.

§ 81.977c *Regional offices* (*§ 1001.3*). The Commissioner of Internal Revenue may establish such regional offices as he shall deem necessary for the effective administration of the provisions of this Treasury Decision.

§ 81.977d *General terms* (*§ 1002.1*). When used in these regulations unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(a) The term "Act" means the Act of October 2, 1942, (Public No. 729, 77th Congress) entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes".

(b) The term "Board" means the National War Labor Board created by Executive Order No. 9017, dated January 12, 1942 (7 F.R. 237).

(c) The term "Commissioner" means the Commissioner of Internal Revenue.

(d) The term "Code" means the Internal Revenue Code, as amended and supplemented.

(e) The term "person" has the same meaning as when used in the Code.

(f) The term "General Regulations" means regulations (relating to wages and salaries) issued by the Economic Stabilization Director, approved by the President on October 27, 1942 (7 F.R. 8748), and as amended or supplemented by subsequent regulations issued by the Economic Stabilization Director relating to wages and salaries.

(g) The term "in contravention of the Act" means in contravention of the Act of October 2, 1942 (referred to in paragraph (a) above), Executive Order No. 9250 of October 3, 1942 (7 F.R. 7871), the General Regulations, these regulations and other rulings and regulations promulgated under such Act.

§ 81.977e *Employee and employer* (*§ 1002.2*). An employee, for the purposes of these regulations, is an individual who performs services for compensation where the relationship between him and the person for whom he performs the services is the legal relationship of employee and employer. An employer is any person for whom an individual performs any services, of whatever nature, as the employee of such person. The term "employer" is not limited to private persons engaged in trade or business, but includes organizations which, under section 101 of the Code, are exempt from income taxation, and also government departments and agencies. The existence of the legal relationship of employer and employee is to be ascertained in the light of the general purposes of the Act and the General Regulations.

Generally, the legal relationship of employer and employee exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work done, but also as to the details and means by which that result is accomplished. An employee is generally subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection it is unnecessary that the employer actually direct or control the precise manner in which the services are performed; it is sufficient that he has the right to do so.

The right to discharge is also an important factor indicating that the person possessing that right is an employer.

Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work to the individual who performs the services. In general, if an individual is subject to the control or direction of another nerely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not an employee as to such services. Physicians, lawyers, architects, contractors and others who follow an independent trade, business or profession in which they offer their services to the public are generally independent contractors and not employees. Whether the relationship of employer-employee exists will be determined upon an examination of the particular facts of each case.

If the relationship of employer and employee exists the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. If such relationship exists, it is of no consequence that the employee is designated as a partner, co-adventurer, agent or independent contractor. The measurement, method, or designation of compensation is immaterial if the relationship of employer and employee thus in fact exists.

An officer of a corporation is an employee of the corporation but a director as such is not. A director may be an employee of the corporation, however, if he performs services for the corporation other than those required by attendance at and participation in meetings of the board of directors.

§ 81.977f *Executive employees* (*§ 1002.3*). An individual "employed in a bona fide executive capacity" means any employee:

(a) Whose primary duty consists of the management of the establishment in which he is employed or of a customarily recognized department or subdivision thereof, and

(b) Who customarily and regularly directs the work of other employees, and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any change of status of other employees will be given particular weight, and

(d) Who customarily and regularly exercises discretionary powers, and

(e) Who is compensated for his services on a salary basis at not less than $30 per week (exclusive of board, lodging, or other facilities), and

(f) Whose hours of work of the same nature as that performed by employees not employed in an executive, administrative or professional capacity do not exceed 20 percent of the total number of hours worked in the workweek by the employees under his direction; *Provided*, That this paragraph (f) shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment.

§ 81.977g *Administrative employees* (*§ 1002.4*). An individual "employed in a bona fide administrative capacity" means any employee:

(a) Who is compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities), and

(b) (1) Who regularly and directly assists an employee in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is nonmanual in nature and requires the exercise of discretion and independent judgment; or

(2) Who performs under only general supervision, responsible nonmanual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

(3) Whose work involves the execution under only general supervision of special nonmanual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment; or

(4) Who is engaged in transporting goods or passengers for hire and who performs, under only general supervision, responsible outside work of a specialized or technical nature requiring special training, experience, or knowledge, and whose duties require the exercise of discretion and independent judgment.

§ 81.977h *Professional employees (§ 1002.5).* Any individual "employed in a bona fide professional capacity" means any employee who is:

(a) Engaged in work:

(1) Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, and

(2) Requiring the consistent exercise of discretion and judgment in its performance, and

(3) Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and

(4) Whose hours of work of the same nature as that performed by employees not employed in an executive, administrative or professional capacity do not exceed 20 percent of the hours worked in the workweek by such employees: *Provided,* That where such non-professional work is an essential part of and necessarily incident to work of a professional nature, this subparagraph (4) shall not apply, and

(5) (i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes; or

(ii) Predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination, or talent of the employee, and

(b Compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities): *Provided,* That this paragraph (b) shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof.

§ 81.977i *Salary payments (§ 1002.6).* The terms "salary" and "salary payment" mean only such salaries over which the Commissioner has jurisdiction. (See § 1002.10 of these regulations.) These terms are not used in any restricted, narrow or technical sense, but encompass all forms of direct or indirect compensation for personal services of an employee which is computed on a weekly, monthly, annual or other basis, other than wages (as defined in the General Regulations and in orders or rulings of the Board). Bonuses, gifts, loans, commissions, fees, additional compensation and any other remuneration in any form or medium whatsoever are considered as falling within the concept of "salary" or "salary payment". Any compensation which is not regarded as wages in the commonly accepted sense of the term is salary notwithstanding that it may be computed on an hourly, daily or piecework basis.

Retainer fees paid to an individual, not otherwise an employee, are not to be considered as salary. Insurance and pension benefits in a reasonable amount (see § 1002.8) are likewise excluded from the terms "salary" and "salary payment".

Although the terms "salary" and "salary payment" do not include any compensation other than for personal services of an employee, the Commissioner is not precluded from determining, after investigation, that amounts denominated, for example, as rents or royalties are in fact salary payments subject to the controls set forth in these regulations.

All amounts paid to, authorized to be paid to, or accrued to the account of any employee during a calendar year for services rendered or to be rendered are to be included as salary for such year.

§ 81.977j *Salary rate (§ 1002.7).* The term "salary rate" means the rate or aggregate of rates or other basis at which the salary for any particular work or service is computed, either under the terms of a contract or agreement, express or implied, or in conformity with custom or usage existing in the employer's business establishment. (For treatment of commissions and bonuses on a percentage basis see § 1002.14.)

§ 81.977k *Insurance and pension benefits (§ 1002.8).* Compensation may include insurance and pension benefits. In determining the amount of salary of an employee, the insurance or pension benefit inuring to such employee is not measured by what he will be entitled to receive after the happening of certain contingencies, but rather in terms of the amount of contributions or premiums paid by the employer. To the extent that an insurance and pension benefit inuring to an employee is reasonable in amount, such benefit is not considered as salary as defined in § 1002.6.

Section 165 (a) of the Code sets forth the conditions under which a trust forming part of a stock bonus, pension or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall not be taxable for Federal income tax purposes. Contributions by an employer to an employee's trust or under an annuity plan, which trust or plan meets the exemption requirements of such section 165 (a) (as of the date the contributions are made), shall be considered as reasonable, regardless of the amount of such contributions. On the other hand, contributions by an employer to an employee's trust which is subject to Federal income taxation because it does not meet the requirements of such section 165 (a) shall be treated, for purposes of these regulations, as salary.

To the extent amounts paid by an employer on account of insurance premiums on a policy on the life of an employee are deductible by the employer in computing net income under the conditions set forth in section 23 (a) of the Code (relating to deductions for ordinary and necessary business expenses), such amounts are not considered as salary. The amount of insurance premiums that will be considered as falling outside the concept of salary cannot exceed the amount of such premiums deductible by the employer for Federal income tax purposes. If, however, such insurance premiums are includible in the gross income of the employee (for whose benefit the insurance has been taken out), as well as deductible by the employer, the amount which shall not be considered as salary in respect of such employee may not exceed 5 percent of the employee's annual salary determined without the inclusion of insurance and pension benefits.

The application of the preceding paragraph may be illustrated by the following examples. An employer having 20 salaried employees takes out life insurance policies on each of such employees in favor of beneficiaries designated by them. The premiums paid for 10 of the employees are in each instance 7 percent of the employee's annual salary (exclusive of insurance and pension benefits). As to the remaining 10 employees the premiums in each instance are 5 percent of the employee's annual salary (exclusive of insurance and pension benefits). It is assumed that with respect to each employee the premium paid would be includible in his gross income under the Code and would be deductible by the employer under section 23 (a) of the Code. As to the first 10 employees 2 percent of the premiums in each instance will be considered as salary, whereas no part of the premiums will be considered as salary in the case of the second group of employees. If, however, none of the premiums were deductible in computing the net income of the employer, then the entire amount of the premium in each instance would be considered as salary to the employee involved.

Premiums paid by an employer on policies of group life insurance without cash surrender value covering the lives of his employees, or on policies of group health or accident insurance, the beneficiaries of which are designated by such employees do not constitute salary (regard-

less of the amount of salary otherwise received annually by such employees) if such premiums are deductible by the employer under section 23 (a) of the Code.

§ 81.977l *Approval by Commissioner (§ 1002.9).* Wherever the terms "approval by the Commissioner" and "determination by the Commissioner" are used in these regulations they shall, except as otherwise provided, include an approval or determination by a regional officer of the Salary Stabilization Unit established by the Commissioner under Treasury Decision 5176, which officer is authorized to make such determination. If an approval or determination made by such regional officer is subsequently modified or reversed by the Commissioner such approval or determination shall be deemed to have been continuously in effect from its original date until the first day of the payroll period following reversal or modification, or until such later date as the Commissioner may provide in his ruling.

To illustrate, an employer obtains the approval of a regional officer of the Salary Stabilization Unit that a proposed increase in certain salaries is permissible. The approval is given on January 2, 1943, and the salary increase is to become effective January 15, 1943. On March 15, 1943, the Commissioner determines that the salary increase was not proper and reverses the approval given by the regional officer. The Commissioner provides in his ruling that the increase in salary shall be discontinued after March 31, 1943. For purposes of these regulations, no part of the salary for the period between January 15 and March 31 shall be considered to have been in contravention of the Act.

§ 81.977m *Amount of salary payment (§ 1002.10).* (a) The General Regulations provided that the Commissioner shall have authority to determine, under regulations to be prescribed by the Commissioner with the approval of the Secretary of the Treasury, whether salary payments are made in contravention of the Act. The Commissioner's jurisdiction is confined to:

(1) Salary payments in excess of $5,000 per annum, in the case of individuals employed in any capacity whatsoever; and

(2) Salary payments of $5,000 or less per annum, in the case of individuals (i) who are employed in bona fide executive, administrative or professional capacities, and (ii) who, in their relations with their employer, are not represented by duly recognized or certified labor organizations, and (iii) whose services are not within the meaning of "agricultural labor" as defined in paragraph (l) of § 4001.1 of the General Regulations.

Other salary payments are subject either to the jurisdiction of the Board or the Secretary of Agriculture, as prescribed in the General Regulations. If, for example, a salary is to be increased from $4500 per annum to $5200 per annum (and subparagraph (2) is inapplicable), approval of such increase, if required, must be obtained from the Board.

§ 81.977n *Conclusiveness of determination (§ 1002.11).* (a) Any determination by the Commissioner that a salary payment is in contravention of the Act is conclusive in every respect upon all executive departments and agencies of the Federal Government for the following purposes:

(1) Determining costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereunder;

(2) Calculating deductions under the revenue laws of the United States; or

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

(b) Any such determination of the Commissioner is final and not subject to review by The Tax Court of the United States or by any court in any civil proceedings. Nothing herein is intended, however, to deny the right of any employer or employee to contest in The Tax Court of the United States or in any court of competent jurisdiction the validity of:

(1) Any provision of these regulations, on the ground such provision is not authorized by law, or

(2) Any action taken or determination made under these regulations, on the ground that such action or determination is not authorized, or has not been taken or made in a manner required, by law.

(c) No increase in salary rate shall result in any substantial increase of the level of costs or furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

§ 81.977o *Geographical scope (§ 1002.12).* The provisions of these regulations shall not apply to salaries in any Territory or possession of the United States, except Alaska and Hawaii.

§ 81.977p *Commissioner's approval required (§ 1002.13).* Section 1 of the Act provides in effect that salaries, so far as practicable, shall be stabilized at the levels which existed on September 15, 1942. In the case of a salary rate of $5,000 or less per annum existing on October 27, 1942, or established thereafter in compliance with these regulations, and in the case of a salary rate of more than $5,000 per annum existing on October 3, 1942, or established thereafter in compliance with these regulations, no increase shall be made by the employer, except as provided in § 1002.14, without prior approval of such increase by the Commissioner. Any salary increase made before the required approval of the Commissioner is obtained is from the date of such increase in contravention of the Act. (See §§ 1002.28 and 1002.29 for the consequences of a salary payment made in contravention of the Act.) The Commissioner may, however, approve an increase in salary rate to be effective as of the date of the application for approval.

The burden of justifying an increase in salary rate shall in every instance be upon the employer seeking to make such increase. Increases in salary rates will not be approved unless necessary to correct maladjustments or inequalities, or to aid in the effective prosecution of the war. A promise made by an employer to his employees prior to October 3, 1942 that salaries would be increased in the future is generally to be ignored in determining whether an increase after that date should be approved. The same rule is applicable with respect to a promise made by an employer prior to October 27, 1942, in the case of employees whose salary rates are $5,000 or less per annum. A salary increase, however, may be approved, as to salaries below $5,000 per annum, if to deny such increase would be to force the continuation of a salary which is below the general level existing for the same or comparable work in the local area on September 15, 1942.

An employer who has established a new job classification, or who has begun business, after October 3, 1942, must obtain approval of the Commissioner for the payment of salaries for such job classification or in such new business: *Provided, however,* That if the salary rates in question are not in excess of those prevailing for similar job classifications within the local area, the approval of the Commissioner is not required. An increase in a salary rate for a job classification established after October 3, 1942, shall be subject to the limitations provided in this Subpart.

A mere change in the name, organization, or financial structure of an employer, whether such employer be an individual, partnership or corporation, will not in itself be sufficient for a finding that, for the purposes of these regulations, a new business has been begun or new job classification established after such change.

Any change in a salary rate, regardless of its effective date, which results from an award or decision of an arbitrator or referee made after October 3, 1942, in the case of salaries of more than $5,000 per annum, and after October 27, 1942 in the case of salaries of $5,000 or less per annum, is subject to the provisions of these regulations notwithstanding that the agreement or order for arbitration or reference was made on or before October 3, 1942 or October 27, 1942, as the case may be.

Unless otherwise expressly exempted, any change in a salary rate, provided for in any agreement existing as of October 3, 1942 in the case of salaries of more than $5,000 per annum, or as of October 27, 1942 in the case of salaries of $5,000 or less per annum, which is to take effect at some future date or on the happening of some future event, is subject to the provisions of these regulations regardless of when the agreement was made.

Payment for overtime will constitute an increase in salary rate, and thus will require the approval of the Commissioner, unless the customary practice of the employer has been to pay for overtime, and the rate has not been changed.

Except as may be otherwise provided from time to time by the Commissioner, an application for the approval of a salary increase shall be filed by the employer with the regional office of the Salary Stabilization Unit of the Bureau

of Internal Revenue in whose territorial jurisdiction the main office or principal place of business of the employer is located. Such application shall be filed on forms prescribed by the Commissioner and shall contain such information as may be required by the Commissioner.

§ 81.977q *Commissioner's approval not required* (§ *1002.14*). The Commissioner's approval is not required where an increase in salary rate is made in accordance with the terms of a salary agreement or salary rate schedule in effect on October 3, 1942, or approved thereafter by the Commissioner, and is a result of:

(1) Individual promotions or reclassifications,

(2) Individual merit increases within established salary rate ranges,

(3) Operation of an established plan of salary increases based on length of service,

(4) Increased productivity under incentive plans,

(5) Operation of a trainee system, or

(6) Such other reasons or circumstances as may be prescribed in rulings or regulations promulgated by the Commissioner from time to time.

For purposes of this section, the term "salary agreement" or "salary rate schedule" may include a salary policy in effect on October 3, 1942, even though not evidenced by written contracts or written rate schedules. For example, a salary policy may be determined from previous payroll records or other payroll data. The existence of such policy, however, must be established to the satisfaction of the Commissioner, and the burden of proof rests upon the employer. In such cases, the employer in advance of making an increase in salary rate may reduce the salary policy to writing and secure approval thereof by the Commissioner.

A bonus or other form of additional compensation which does not exceed in amount the bonus or other additional compensation to such employee for the last bonus year ending before October 3, 1942 does not require approval by the Commissioner. In addition a bonus based upon a fixed percentage of salary where the percentage has not been changed, does not require approval by the Commissioner even though the amount may be increased due to an authorized increase in salary. Any other bonus or other form of additional compensation, requires approval by the Commissioner. Where the compensation, or part thereof, is paid on a commission basis and is based upon a fixed percentage (which has not been changed) of sales made by the employee, a payment does not require approval by the Commissioner even though the amount may represent an increase due to increased sales by the employee. (See, however, Subpart F of these regulations.)

The provisions of this section may be illustrated as follows:

(1) The X Corporation began business in 1940. As of July 1, 1942, pursuant to a corporate resolution duly passed in January 1942, all of its salaried employees received more than $5,000 per annum. No approval of the Commissioner is required to increase the salary of an employee who is promoted in November 1942 from a salesman to general manager and who receives a salary within the salary range paid previously to individuals occupying the position of general manager.

(2) The X Corporation in December 1942 wishes to establish a new salary rate schedule raising the level of compensation of all its salaried employees. Approval by the Commissioner of such schedule is required. Assuming that such approval has been obtained, further approval by the Commissioner of any adjustment under such schedule coming within this section is not required.

(3) The Y Corporation begins business on November 1, 1942. The salaries paid by it to its employees are commensurate with salaries paid by other employers in comparable businesses in the same local area. Payment of such salaries does not require the approval of the Commissioner. Any increase in salary rates, however, requires the approval of the Commissioner.

(4) The M Corporation, which has manufactured furniture since 1925, is reorganized in November 1942 and emerges from the reorganization proceedings as the N Corporation. There is no change in the nature of the business although there is a substantial alteration in the financial structure of the company. The N Corporation is not to be treated as a new employer beginning business after October 27, 1942. Consequently, any general increase in salaries over and above those paid by the M Corporation requires the prior approval of the Commissioner.

(5) Employees of the Z Corporation have customarily received a bonus of 5 percent of their annual salary at the end of each calendar year. If, for example, one of the employees received $6,000 in 1941 but received salary of $7,000 in 1942 due to a salary increase on July 1, 1942, a bonus of $350 may be paid to him for 1942 without prior approval of the Commissioner, notwithstanding that his bonus for 1941 was only $300.

§ 81.977r *Salaries under $5,000* (§ *1002.15*). In the case of a salary rate existing as of the close of October 3, 1942, or established thereafter in compliance with these regulations, under which an employee is paid a salary of less than $5,000 per annum for any particular work, the general rule is that no decrease can be made by the employer in such salary rate below the highest salary paid for such work in the local area between January 1, 1942 and September 15, 1942. A decrease is permitted, however, with the approval of the Commissioner, in order to correct a gross inequity in any case or to aid in the effective prosecution of the war. Where such decrease is permitted the salary rate may be reduced below the highest salary rate paid for the work in question between January 1, 1942 and September 15, 1942. Except as otherwise provided in this section, any decrease in such salary rate after October 3, 1942 shall be considered in contravention of the Act if it is made prior to the approval thereof by the Commissioner.

Except as may be otherwise provided from time to time by the Commissioner, an application for approval of any salary decrease shall be filed in the same manner as in the case of an application for approval of a salary increase. (See § 1002.13 of these regulations.)

The Commissioner's approval is not required, for example, in the following cases where salary decreases are made after October 3, 1942.

(1) The new salary rate does not fall below the highest salary rate existing between January 1, 1942 and September 15, 1942 for the particular work in question or for the same or comparable work in the local area.

(2) An employee has been demoted to a lower position than that filled by him between January 1, 1942 and September 15, 1942 and the salary rate for such lower position is not less than the highest salary rate existing for that position during the same period.

(3) An employee has been relieved of substantial duties and responsibilities.

A disparity between salaries paid by a particular employer and those paid by employers generally in the local area does not necessarily constitute justification for decrease in salary rates paid by such employer.

§ 81.977s *Salaries over $5,000* (§ *1002.16*). In the case of a salary rate existing as of the close of October 3, 1942, or established thereafter in compliance with these regulations, under which an employee is paid a salary of more than $5,000 per annum, the employer is permitted to make, without approval by the Commissioner, a decrease to a rate not less than $5,000 per annum. If, however, by virtue of a decrease the new salary paid to the employee is less than $5,000 per annum, then the decrease below $5,000 per annum is subject to the limitations of § 1002.15 of these regulations. To the extent that prior approval by the Commissioner of a decrease is not required under § 1002.15 or this section, such decrease shall not be considered as being in contravention of the Act.

§ 81.977t *State and local employees* (§ *1002.17*). An adjustment in salaries (not fixed by statute, see § 1002.32) may be made by a State, or any political subdivision thereof, the District of Columbia, or any agency or instrumentality of any of the foregoing, on certification to the Commissioner that such adjustment is necessary to correct maladjustments, or to correct inequalities or gross inequities. The certification procedure shall not apply to any adjustment which would not otherwise require the Commissioner's approval or which would raise salaries beyond the prevailing level of compensation for similar services in the area or community. A certificate by the official or agency authorizing the adjustment stating the nature and amount of such adjustment, and briefly setting forth the facts meeting the foregoing requirement, will be accepted by the Commissioner as sufficient evidence of the propriety of the adjustment, subject to review by the Commissioner. Modification by the Commissioner of adjustments made by a governmental official or agency acting pursuant hereto shall not be retroactive.

In exceptional cases where such an adjustment is sought, and in all cases where the agency seeks an adjustment other than by the certification procedure, application for approval shall be filed with the appropriate regional office of the Salary Stabilization Unit.

§ 81.977u *Basic allowance (§ 1002.18).* In addition to setting forth limitations on increases and decreases in salary rates, the General Regulations provide a ceiling on the amount of salary which may be paid to any employee during a calendar year. The general rule is that no amount of salary may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the calendar year 1942, and in each succeeding calendar year, which, after reduction by the Federal income taxes on the amount of such salary, computed as below without regard to other income and without regard to deductions or credits, would exceed $25,000. Additional allowances of salary which may be permitted in certain circumstances are described in §§ 1002.19 to 1002.22 inclusive.

The amount of Federal income taxes referred to in the preceding paragraph shall be determined:

(1) By applying to the total amount of salary (but not including any amounts allowable under § 1002.19 to 1002.22, inclusive, of these regulations) paid or accrued during the calendar year in question, undiminished by any deductions, the rates of taxes imposed by Chapter 1 of the Code (except section 466 thereof relating to withholding) as if such total amount of salary were the net income (after the allowance of the appropriate credits), the surtax net income, and the Victory tax net income, respectively; and

(2) Without further allowance of any other credits against any of such taxes.

Assume that the rates imposed under Chapter 1 of the Code, as amended by the Revenue Act of 1942, are applicable with respect to the calendar year 1943. Under the formula described in the preceding paragraph, the basic allowance of salary for 1943 (which after reduction by the Federal income taxes would yield $25,000) is $67,200. This latter amount is the maximum amount of salary which an employee would be permitted to receive for 1943, *Provided,* He is not entitled to further allowances under §§ 1002.19 to 1002.22, inclusive. If the rates of Federal income tax applicable for 1943 should be increased above those now existing in the Code for 1942, the basic allowance of salary will be an amount greater than $67,200.

The basic allowance of salary as described in this section represents an amount against which the appropriate tax rates are applied and remains the same regardless of whether the employee is married or single or of the number of his dependents, if any. It is likewise unaffected by the nature or amount of his other income (taxable or exempt) or by the extent of his deductions allowable for tax purposes generally.

For purposes of this Subpart an amount of salary, in addition to the basic allowance of salary, will be permitted for any expenses paid or incurred by an employee which are ordinary and necessary for the performance of the services for which the employee is compensated. No such additional amount, however, shall be permitted for expenses which would not be deductible in computing individual Federal income taxes.

§ 81.977v *Charitable contributions (§ 1002.19).*

An amount of salary, in addition to the basic allowance of salary described in §1002.18, will be permitted in certain circumstances to allow an employee to maintain his customary contributions to charitable, educational or other organizations described in section 23 (o) of the Code. Such additional amount of salary will be permitted if the employee established to the satisfaction of the Commissioner that after resorting to his other income from all sources he would suffer undue hardship in maintaining his customary contributions out of the basic allowance of salary described in the preceding section.

For purposes of this section and §§ 1002.20, 1002.21, and 1002.22, "income from all sources" includes income which is exempt under the Federal income tax laws.

What constitutes "undue hardship" for purposes of this section and §§ 1002.20, 1002.21, and 1002.22, is dependent upon all the circumstances in each case.

Contributions may be customary within the meaning of this section even though in the particular year in question the organizations to which the contributions are made are different from those to whom contributions were made in previous years.

§ 81.977w *Insurance premiums (§ 1002.20).* An amount of salary, in addition to the basic allowance under § 1002.18 may be permitted to an employee under this section to meet certain payments during the employee's taxable year for insurance premiums. To be entitled to such extra allowance of salary the employee must establish to the satisfaction of the Commissioner that after resorting to other income from all sources (see § 1002.19) he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet premium payments on policies of life insurance in force and effect on October 3, 1942 on his life.

The premium payments referred to in the preceding paragraph are those which are required to be met during the calendar year in question. No allowance for salary is permissible for payments of premiums which are due in future calendar years.

If any insurance has been permitted by an employee to lapse after October 3, 1942, no allowance for salary is permissible for payments of premiums on policies taken out after such date, even though the total annual premiums on the new policies are not in excess of the total annual premiums due on policies in effect on October 3, 1942. Renewal of policies in effect on October 3, 1942 (even though new premiums are higher) will not preclude applicability of this section to premium payments on the renewed policies. Generally, in the case of a conversion of a policy in effect on October 3, 1942 to a new policy requiring payment of higher premiums, this section is inapplicable to the annual amount by which the new premiums exceed the premiums in effect on October 3, 1942.

As used in this section, and §§ 1002.21 and 1002.22, substantial financial loss is not necessarily confined to a loss suffered on disposition of assets at depressed prices substantially below cost to the employee. The present value in use or in production of income and the potential future value are factors to be considered. For the purpose of this Subpart, the provisions of the Code governing the determination of loss upon disposition of assets are not controlling.

§ 81.977x *Fixed obligations (§ 1002.21).* An amount of salary in addition to the basic allowance under § 1002.18 may be permitted to an employee under this section to make required payments during the employee's taxable year on fixed obligations. Before any amount will be allowed under this section, the employee must establish to the satisfaction of the Commissioner that after resorting to his income from all sources (see § 1002.19), he is unable, without the necessity of disposing of assets at a substantial financial loss resulting in undue hardship, to meet required payments of fixed obligations for which he was obligated on October 3, 1942. (See § 1002.20.)

The term "fixed obligations" as used in this section means any enforceable liability of the employee the amount of which liability was fixed and determined on October 3, 1942. In no event is an allowance for salary permissible under this section for the payment of any amount due in future years.

§ 81.977y *Federal taxes (§ 1002.22).* An amount of salary in addition to the basic allowance under § 1002.18 may be permitted to an employee, under this section, to meet payments during the employee's taxable year of certain Federal income taxes. To be entitled to such an additional allowance of salary the employee must establish to the satisfaction of the Commissioner that after resorting to his income from all sources (see § 1002.19), he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet payments of certain Federal income taxes, more fully described below. (See § 1002.20.)

An allowance for additional salary is permissible in order to pay Federal income taxes owed by the employee himself for any prior taxable year, but is not permissible in order to pay any Federal income tax due on the basic allowance of salary under § 1002.18, except as this allowance is applicable for 1942. (See § 1002.24.) Thus, an amount for additional salary might be allowable in 1943 to meet the payment of the entire Federal income tax due on a salary received in 1942. In 1944 an amount for additional salary might be allowable to meet the payment of Federal income tax due on additional salary allowances permitted for 1943 under § 1002.19, 1002.20, 1002.21 and this section for 1943; but no amount, however, would be allowable to meet the payment of the Federal income tax due on the basic allowance under § 1002.18 for 1943.

§ 81.977z *Multiple employers* (§ *1002.23*). Salaries payable to an employee from more than one employer may, for purposes of Subpart F, be treated as if all such salaries were payable by a single employer, regardless of the financial or other relationship of the several employers. For example, individual A received a salary as an employee of the X Corporation and also as an employee of its subsidiary, the Y Corporation. Both the X Corporation and the Y Corporation are required to adjust their salary arrangements with such employee to conform with the provisions of these regulations. If individual B is employed by the M Corporation and the N Corporation, both of whom are owned, directly or indirectly, by the same person or persons, the M Corporation and the N Corporation must adjust their salary arrangements with B to conform with the provisions of these regulations. If individual C is employed by the R Corporation and the S Corporation and both corporations have knowledge of that fact, they must adjust their salary arrangements with C to conform with the provisions of these regulations.

Where an individual is employed by two or more employers who, under these regulations, are required to make salary arrangements in order to conform with the provisions of Subpart F, such individual and employers will be deemed to be acting in contravention of the Act and these regulations if proper salary arrangements are not made. In any event, no employee may receive any salary in excess of that allowed under Subpart F. (See § 1002.30.)

§ 81.977aa *Limitation on 1942 salaries* (§ *1002.24*). Unless payment thereof is required under a bona fide contract in effect on October 3, 1943, no amount of salary shall be paid or authorized to be paid to or accrued to the account of any employee or received by him after October 27, 1942, and before January 1, 1943, if the total salary paid, authorized, accrued or received for the calendar year 1942 exceeds the amount of salary which would otherwise be allowable under § 1002.18 (but not under §§ 1002.19 to 1002.22, inclusive) and also exceeds the total salary paid, authorized, accrued or received for the calendar year 1941. For purposes of this section, the term "bona fide contract" means a legally enforceable agreement, written or oral. Such an agreement may be evidenced by a bona fide resolution of a board of directors of a corporate employer passed on or before October 3, 1942. The amount allowable under § 1002.18 for 1942 (before reduction by any Federal income taxes) is $54,428.57.

§ 81.977bb *Community property* (§ *1002.25*). The limitations on salaries provided for in §§ 1002.18 to 1002.24, inclusive, shall in nowise be affected by any community property law. For example, an employee resident in the State of R receives a salary in 1943 of $100,000. Under the laws of that State, $50,000 of that salary is deemed to be the property of the employee's wife. For purposes of these regulations, the employee's salary is $100,000, not $50,000.

§ 81.977cc *Taxable year* (§ *1002.26*). For purposes of Subparts F and G of these regulations, the term "taxable year" of an employee shall mean the calendar year during which the salary in question is paid or authorized to be paid to or accrued to the account of such employee or received by him. This rule is applicable regardless of whether the employer or employee, or both, file Federal income tax returns for a fiscal year or report income, for Federal income tax purposes, on an accrual basis or on the cash receipts and disbursements basis.

§ 81.977dd *Effective date* (§ *1002.27*). The provisions of this subpart, except as provided in § 1002.24, shall be applicable to all salaries paid or accrued after December 31, 1942, irrespective of when payment or accrual of such salary was authorized and irrespective, also, of any contract or agreement made prior to or after such date.

§ 81.977ee *Amounts disregarded* (§ *1002.28*). (a) Section 5 (a) of the Act provides in effect that the President shall prescribe the extent to which any salary payment made in contravention of regulations promulgated under the Act shall be disregarded by executive departments and other governmental agencies in determining the costs or expenses of any employer for the purposes of any other law or regulation. In any case where a salary payment is determined by the Commissioner to have been made in contravention of the Act, the entire amount of such payment is to be disregarded by all executive departments and all other agencies of the Federal Government for the purposes of:

(1) Determining costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof;

(2) Calculating deductions under the revenue laws of the United States; or

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

A payment in contravention of the Act may be disregarded for more than one of the foregoing purposes.

(b) In the case of salaries decreased in contravention of the Act, the amount to be disregarded, as required by paragraph (a) of this section, is the amount of the salary actually paid or accrued by the employer at the reduced rate. Thus, if, for example, on November 1, 1942, a weekly salary rate of $100 has been unjustifiably reduced to $50 for the remainder of the calendar year 1942, the amount to be disregarded under paragraph (a) of this section is the total amount of salary paid at the weekly rate of $50.

(c) In the case of salaries increased in contravention of the Act, the amount to be disregarded, as required by paragraph (a) of this section, is the amount of the salary actually paid or accrued by the employer at the increased rate and not merely an amount representing an increase in such salary. Thus, if, for example, on November 1, 1942, a weekly salary rate of $100 is unjustifiably increased to $150 for the remainder of 1942, then the amount of salary to be disregarded for purposes of paragraph (a) of this section is the total amount paid at the weekly rate of $150. Also, if, for example, on February 1, 1943, a weekly salary rate of $100 is increased to $150 without prior required approval, but is restored to $100 on June 1, 1943 after formal disapproval by the Commissioner or regional officer, then the amount of salary to be disregarded for purposes of paragraph (a) of this section is the total amount at the weekly rate of $150. Neither in the cases described in this paragraph nor in the case described in paragraph (b) of this section are the total amounts paid at the weekly rate of $100 to be disregarded for purposes of paragraph (a) of this section. (See § 1002.31 relating to salary allowances under section 23 (a) of the Code.)

(d) In the case of a salary in excess of the amount allowable under Subpart F of these regulations which is paid to, authorized to be paid to, or accrued to the account of an employee during his taxable year (as distinguished from the taxable year of the employer) in contravention of the Act, the amount to be disregarded is the full amount of such salary and not merely the amount representing the excess over the amount allowable under such Subpart F of these regulations. Thus, if, for example, under such Subpart F an employee would be entitled to receive a total salary during his taxable year of $67,200 for services rendered in such year, but actually receives $100,000 for such services, then the entire amount of $100,000 is to be disregarded for purposes of paragraph (a) of this section.

§ 81.977ff *Criminal penalties* (§ *1002.29*). Section 5 (a) of the Act provides in substance that no employer shall pay, and no employee shall receive, any salaries in contravention of the regulations promulgated by the President under the Act. Section 11 of the Act provides that any person, whether an employer or employee, who wilfully violates any provision of the Act or of any regulations promulgated thereunder, shall be subject, upon conviction, to a fine of not more than $1,000, or to imprisonment for not more than one year, or to both such fine and imprisonment.

§ 81.977gg *Salary allowances under Code* (§ *1002.30*). Under section 23 (a) of the Code reasonable allowances for salaries are allowed as deductions in computing net income. The tests which determine whether an allowance for salaries paid or accrued is reasonable within the meaning of section 23 (a) of the Code are in nowise suspended by any provision of these regulations. An employer may be exempt from the operation of these regulations yet be denied deductions for purposes of section 23 (a) of the Code with respect to the salaries paid or accrued by him. Also, a basic allowance under § 1002.18 and additional allowances under §§ 1002.19 to 1002.22, inclusive, may nevertheless be disallowed in whole or in part as

deductions under section 23 (a) of the Code.

§ 81.977hh *Exempt employers (§ 1002.31).* The provisions of these regulations, except those contained in Subparts F and G thereof, shall not apply in the case of an employer who employs eight or less individuals in a single business. An employer is subject to the provisions of these regulations if at the time a salary increase is to take effect he has in his employ more than eight individuals in a single business. It is not necessary that each employee be paid a salary provided all the individuals employed receive compensation for their personal services. If it is subsequently determined that the number of employees has been temporarily reduced by the employer, or that the employer has utilized any other improper device, for the sole purpose of claiming the exemption provided in the General Regulations and these regulations, then such exemption shall be deemed to have been improperly obtained and of no force or effect.

An employer may be exempt under this section notwithstanding that shortly after the effective date of a salary increase he enlarges his personnel in good faith to more than eight employees. Any further adjustment in salary will then be subject to the provisions of these regulations.

§ 81.977ii *Statutory salaries (§ 1002.32).* The provisions of these regulations are applicable in every respect to any salary paid by the United States, any State, Territory, or possession or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, except where the amount of such salary is fixed by statute. The term "statute" for purposes of this section does not include a municipal ordinance or resolution enacted by a governmental unit inferior to a State, Territory, or possession. Salaries covered by the Federal Classification Act of 1923, as amended, are excluded from the operation of these regulations. Likewise, salaries, for example, of public school teachers which are paid under salary schedules fixed by a state legislature and providing for mandatory increments are excluded from the operation of these regulations. (See § 1002.17.)

§ 81.977jj *Services in foreign countries (§ 1002.33).* The provisions of these regulations shall not be applicable in the case of any individual employer, resident in the United States or any Territory or possession thereof, or of a corporate employer organized under the laws of the United States or any State, Territory or possession, with respect to salaries paid by such employers to employees for services rendered exclusively in foreign countries.

§ 81.977kk *Foreign employers (§ 1002.34).* The provisions of these regulations shall not be applicable in the case of nonresident foreign employers except that if any salary is paid to an employee residing in the United States payment of such salary is subject to all the provisions of these regulations.

Sections 81.979a and 81.979b are added as follows:

§ 81.979a *National War Labor Board regions; Geographical jurisdictions and addresses.*

Region I: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut. 10 P. O. Square, Room 726, Boston, Massachusetts.

Region II: New York and New Jersey, Chanin Building, New York, New York.

Region III: Pennsylvania, Virginia, Delaware and Maryland, and the District of Columbia. 573 Broad Street Station Building, Philadelphia, Pa.

Region IV: Georgia, North Carolina, South Carolina, Florida, Tennessee, Alabama and Mississippi. 116 Candler Building, Atlanta, Georgia.

Region V: Michigan, Ohio, West Virginia and Kentucky. Room 888, Union Commerce Building, Cleveland, Ohio.

Region VI: Indiana, Illinois, Wisconsin, Minnesota, Iowa, North Dakota and South Dakota. Room 3008, Civic Opera Building, Chicago, Ill.

Region VII: Missouri, Arkansas, Nebraska and Kansas. Room 300, Mutual Interstate Building, Kansas City, Mo.

Region VIII: Texas, Louisiana, and Oklahoma. 716 Cotton Exchange Building, 608 North Saint Paul Street, Dallas, Texas.

Region IX: Colorado, New Mexico, Montana, Wyoming, Utah and Idaho. 306 Midland Savings Bank Building, Denver, Colorado.

Region X: California, Washington, Oregon, Nevada and Arizona. 1355 Market St., San Francisco, Calif.

§ 81.979b *Wage and Hour Division regions; Geographical jurisdictions and addresses.*

Region I: Massachusetts New Hampshire, Maine, Vermont and Rhode Island, 294 Washington Street, Boston, Mass. *Connecticut*—Cooperating State Agency Office: 357 State Office Bldg., Hartford, Conn.

Region II: New York and New Jersey, Parcel Post Building, 341 Ninth Avenue, New York, N. Y.

Region III: Pennsylvania, and Delaware, and Bancock, Brooke, Ohio and Marshall Counties in West Virginia. 1216 Widener Bldg., Chestnut & Juniper Sts., Philadelphia, Pa. *District of Columbia*—Cooperating State Agency Office: 4050 New Municipal Center Bldg., Washington, D. C.

Region V: Virginia, West Virginia, and Maryland. 215 Richmond Trust Building, Richmond, Va. *North Carolina*—Cooperating State Agency Office: Salisbury and Edenton Streets, Raleigh, N. C.

Region VII: Georgia, Florida, and South Carolina. 249 Peachtree St., N. E., Atlanta, Georgia.

Region VIII: Alabama, Mississippi and Louisiana. 1007 Comer Bldg., Birmingham, Ala.

Region IX: Tennessee and Kentucky. 509 Medical Arts Bldg., Nashville, Tenn.

Region X: Ohio and Michigan and Boone, Kenton and Campbell Counties in Kentucky. Main Post Office, West Third and Prospect Avenue, Cleveland, Ohio.

Region XI: Illinois, Indiana, and Wisconsin. 1200 Merchandise Mart, 222 West North Bank Drive, Chicago, Illinois.

Region XII: North Dakota, South Dakota, Minnesota, and Montana. 406 Pence Building. 730 Hennepin Avenue, Minneapolis, Minn.

Region XIII: Kansas, Nebraska, Iowa, Missouri, Colorado and Wyoming. 504 Title & Trust Bldg., 10th and Walnut Sts., Kansas City, Mo.

Region XIV: Texas, Oklahoma, Arkansas, and New Mexico. 1100 Main Street, Dallas, Texas.

Region XV: California, Arizona, Nevada, Washington, Oregon, Idaho, and Utah. 500 Humboldt Bank Bldg., 785 Market St., San Francisco, Calif. For addresses of Wage & Hour Division Field & Branch Offices, consult nearest Wage & Hour Division Regional Office.

PLANT FACILITIES EXPANSIONS

POLICY

Section 81.1004 is amended as follows:

§ 81.1004 *Tax amortization.* Under the provisions of section 124 of the Internal Revenue Code, the cost of facilities which are acquired by corporations, partnerships, individuals or fiduciaries may be amortized over a period of sixty months (or, under certain circumstances, a shorter period) for the purpose of computing taxable income. The amortization provisions do not apply when the facilities expansion is financed under a plan of the type described in Plans III, IV, or V, in § 81.1006 (c), (d), and (e). In order to secure the benefits of such amortization, the applicant must obtain from the War Department or the Navy Department a Necessity Certificate which certifies to the Commissioner of Internal Revenue that the facilities therein described are necessary in the interest of National Defense. The duties of the Services of Supply with respect to processing applications for such certificates are set forth in §§ 81.1014 to 81.1017.

FORMS OF CONTRACTS

In § 81.1320 Article 6 is amended as follows:

§ 81.1320. *W. D. Contract Form No. 20.* * * *

ART. 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits arising from deductions from payments to the Contractor under this contract shall be made as of the dates the checks for such payments are drawn; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest so determined shall be deducted from the payments otherwise due the Contractor under this contract, *Provided, however,* That in no event shall deductions on account of interest exceed five percent (5%) of the gross payment due the Contractor prior to any deduction under this Article or Article 5 or any other provisions of this contract. In the event the accrued interest exceeds such five percent, the excess of such interest shall be carried forward and deducted from subsequent payments. The interest shall not be compounded, and shall, subject to the provisions of Article 4 hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Con-

tractor completed his performance under the contract.

* * * * *

In § 81.1322 Article 6 is amended as follows:

§ 81.1322 *W. D. Contract Form No. 22.* * * *

ART. 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor. It is agreed that pending the execution of the moral formal contract contemplated by Paragraph 2 of the Letter Purchase Order that the Contractor may, if he so elects, make direct repayment to the Government on account of advances made out of his own free funds, or may be required to make repayment out of the special account or otherwise as provided by Article 5. Credits arising out of such cash repayments shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest charge shall be allowed to accrue, and shall not be payable until such time as provision is made for such payment under the provisions of the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order, except as provided by Article 5 hereof. The interest shall not be compounded, and shall, subject to the provisions of Article 5, cease to accrue upon the termination of the contract for other than the fault of the Contractor.

* * * * *

[SEAL] J. A. ULIO,
Major General.
The Adjutant General.

[F. R. Doc. 43-414; Filed, January 8, 1943; 9:40 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

CONTRACT CLAUSES PROVIDING FOR PERIODIC ADJUSTMENT OF PRICE WITH POWER OF EXEMPTION FROM STATUTORY RENEGOTIATION

Section 801, Revenue Act of 1942, has amended section 403, Sixth Supplemental National Defense Appropriation Act, 1942, so as to authorize exemption of contracts for specified periods from renegotiation under the act if the provisions are otherwise adequate to prevent excessive profits.

It is a major policy of the War Department to promote efficiency in operation and production, reduction in costs by its contractors, and lower prices to the Government. It is believed that this basic policy will be served by full use of the power conferred by the Revenue Act of 1942. Accordingly two forms of contract articles have been developed for this purpose with instructions for their use. These articles are inserted in Procurement Regulation No. 3 by a new section to be numbered § 81.360, and the instructions for their use are added to Procurement Regulation No. 12 as nine new sections to be numbered §§ 81.1220 to 81.1228 inclusive.

As a further aid in obtaining close prices without allowances for contingencies, a new article has been developed to allow equitable adjustments in price and time of performance when Government action interrupts production schedules and increases costs. This is added to Procurement Regulation No. 3 as § 81.361.

These changes in procurement regulations are also contained in Services of Supply Memorandum S5-1-43, dated January 2, 1943. Figures to the right of the decimal point in section numbers correspond with paragraph numbers in procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act, 1941, 55 Stat. 838; 50 U.S.C. Sup. 601-622.

§ 81.360 *Periodic adjustment of price.* The following articles for periodic adjustment of price will be used in accordance with §§ 81.1220 to 81.1228:

(FORM I) ARTICLE ____ —PERIODIC ADJUSTMENT OF PRICE

(a) *Price periods.* The Government and the contractor agree to adjust the contract price under this contract periodically in accordance with this article and agree that the performance under this contract will be divided into _____ successive periods for that purpose. The first period will extend from _____ to _____; and the second and each succeeding period will extend for _____ months from the end of the preceding period.

(b) *Estimates and prices for first period.* (1) The contractor and the Government have agreed upon the following estimate of costs for the items to be delivered during the first period hereunder: [1]

A. Factory cost.
1. Direct materials.
2. Direct productive labor.
3. Direct engineering labor.
4. Miscellaneous direct factory charges.
5. Indirect factory expenses [2] (state basis of allocation).
6. Total factory cost.
B. Other manufacturing cost.
C. Miscellaneous direct expenses.
D. Indirect engineering expenses.
E. Expenses of distribution, servicing, and administration.
F. Guarantee expenses.

(2) The contractor and the Government have agreed upon the price fixed in article ____ hereof for the first period. The contracting officer hereby finds that the provisions of this contract are adequate to prevent excessive profits hereunder during the first period without any renegotiation pursuant to section 403, the Sixth Supplemental National Defense Appropriation Act, 1942, as amended. The contractor and the Government therefore agree that the prices fixed in article ____ hereof shall be paid for items delivered hereunder during the first period and that such prices for that period shall not be subject to renegotiation under said statute as amended or article ____ hereof.

(c) *Periodic statements.* Fifteen days before the end of each period hereunder, except the last, or at such other time or times as the contracting officer may fix, the contractor will submit to the contracting officer the following data:

(1) Statements showing the actual cost of producing all items completed for delivery during such period for which cost figures are available, and such other statements as the contracting officer may require.

(2) Estimates of the cost of items to be delivered during the next succeeding period, based upon the previous cost experience of the contractor and upon all other relevant factors.

(3) Proposed prices for items to be delivered during the next succeeding period.

(d) *Periodic price adjustment—exemptions.* (1) Upon the filing of the data required by section (c) hereof, the contractor and the contracting officer will negotiate in good faith to agree upon adjusted cost estimates and prices for items to be delivered during the next succeeding period under this contract.

(2) Prices so negotiated and agreed upon may be in excess of or less than the prices stated in article _____ hereof. In negotiating such prices consideration will be given to all pertinent factors which have affected the contractor's costs for items delivered hereunder during any preceding period, or which are likely to affect such costs for items to be delivered hereunder during the next succeeding period, and to all pertinent factors bearing upon the profit margin which is reasonable for the contractor to earn during the succeeding period. Whenever the contractor, by skillful management, careful buying, or efficiency in production, has reduced costs experienced during the next preceding period below the estimated amount thereof, and the Government will benefit therefrom by reduced prices for the succeeding period, the contemplated margin of profit for the succeeding period may be increased in recognition of these facts.

(3) After each negotiation, the agreement reached will be evidenced by a supplemental agreement to this contract stating the cost estimates and adjusted prices for the succeeding period. In the discretion of the contracting officer, the supplemental agreement may contain a finding that the provisions of this contract and said supplemental agreement are adequate to prevent excessive profits during the applicable succeeding period, and an agreement that the prices fixed for such period will not be subject to renegotiation under section 403, the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, or under article ____ hereof.

(4) A disagreement between the contracting officer and the contractor as to an adjusted price for any period will not be subject to article ____ (Disputes), and during that period the contractor shall be paid the price fixed for the preceding period.

(e) *Payments.* During the first period the Government shall pay to the contractor the price set forth in article ____ for all items delivered. During each succeeding period the Government will pay to the contractor the prices negotiated hereunder for items delivered in that period. If the price for any succeeding period hereunder is still under negotiation and not agreed upon at the beginning of that period, then until an adjusted price for that period is agreed upon, the contractor will be paid the price fixed for the last preceding period; but after the contractor and contracting officer have agreed by supplemental agreement upon the adjusted prices, an amount equal to the difference between the prices paid on the items delivered in that period and such adjusted prices will be added to or deducted from payments for subsequent deliveries under this contract or will be paid by or returned to the Government, as the contracting officer may direct.

(f) *Accounts and records—statements.* The contractor will maintain books, records, and accounts so as to reflect accurately and segregate clearly the costs of performing this contract. For this purpose the contractor

[1] This break-down may be altered to suit particular circumstances.

[2] State separately the estimated amount of each of the following included: (a) normal depreciation; (b) special amortization.

may follow the cost accounting system regularly used by it, if the contracting officer finds that it is adequate and in accordance with sound accounting practice. All statements showing costs experienced by the contractor under this contract will be based upon such books, records, and accounts, and will be certified as correct by two officers of the contractor or by an independent auditor, approved by the contracting officer. The contractor will submit its books, records, and accounts to such examination and audit as the contracting officer may request. The contractor represents that the estimates of future costs contained in paragraph (b), and hereafter submitted pursuant to paragraph (c) (2) reflect the best judgment of the contractor as to probable costs on the basis of previous cost experience and all other relevant factors, and contain no provisions for reserves or allowances not revealed therein.

(FORM II) ARTICLE ____—PERIODIC ADJUSTMENT OF PRICE

(a) *Price periods.* The Government and the contractor recognize that the costs of performing this contract cannot be accurately estimated at the time of its execution and that the price fixed in article ____ may therefore be either too high or too low in the light of actual experience under the contract. The contractor and the Government agree that for the purpose of adjusting the contract price in accordance with this article the performance under this contract will be divided into ____ successive periods. The first period will extend from ____ to ____; and the second and each succeeding period will extend for ____ months from the end of the preceding period.

(b) *Estimate of costs.* The contractor represents that the contract price fixed in article ____ is based on a total estimated cost of $____ itemized as follows:[1]

A. Factory cost.
1. Direct materials.
2. Direct productive labor.
3. Direct engineering labor.
4. Miscellaneous direct factory charges.
5. Indirect factory expenses[2] (state basis of allocation).
6. Total factory cost.
B. Other manufacturing cost.
C. Miscellaneous direct expenses.
D. Indirect engineering expenses.
E. Expenses of distribution, servicing, and administration.
F. Guarantee expenses.

(c) *Periodic statements.* Fifteen days before the end of each period hereunder, except the last, or at such other time or times as the contracting officer may fix, the contractor will submit to the contracting officer the following data—

(1) Statements showing the actual cost of producing all items completed for delivery during such period, for which cost figures are available, and such other statements as the contracting officer may require.

(2) Estimates of the cost of items to be delivered during the next succeeding period, based upon the previous cost experience of the contractor and upon all other relevant factors.

(3) Proposed prices for items to be delivered during the next succeeding period, and, at the end of the first period, proposed adjusted prices for items delivered during the first period.

(d) *Periodic price adjustment.* (1) Upon the filing of the data required by section (c) hereof, the contractor and the contracting officer will negotiate in good faith to agree upon adjusted cost estimates and prices for items to be delivered during the next succeeding period under this contract. In addition, upon the first such negotiation, they will negotiate to agree upon adjusted prices for the items delivered during the first period.

(2) Prices so negotiated and agreed upon may be in excess of or less than the prices stated in article ____ hereof. In negotiating such prices, consideration will be given to all pertinent factors which have affected the contractor's costs for items delivered hereunder during any preceding period, or which are likely to affect such costs for items to be delivered hereunder during the next succeeding period, and to all pertinent factors bearing upon the profit margin which is reasonable for the contractor to earn during the period involved. Whenever the contractor, by skillful management, careful buying, or efficiency in production, has reduced costs experienced during the next preceding period below the estimated amount thereof, and the Government will benefit therefrom by reduced prices for the succeeding period, the contemplated margin of profit for the succeeding period may be increased in recognition of these facts.

(3) After each negotiation, the agreement reached will be evidenced by a supplemental agreement to this contract stating the cost estimates and adjusted prices for the succeeding period and, after the first such negotiation, also stating the adjusted prices for the proceeding first period. At the discretion of the contracting officer the supplemental agreement may contain a finding that the provisions of this contract and said supplemental agreement are adequate to prevent excessive profits for the first period or during the applicable succeeding period, and an agreement that the prices fixed for such period will not be subject to renegotiation under section 403, Sixth Supplemental National Defense Appropriation Act, 1942, as amended, or under article ____ hereof.

(4) A disagreement between the contracting officer and the contractor as to an adjusted price for any period will not be subject to article ____ (Disputes), and during that period the contractor will be paid the price fixed for the preceding period.

(e) *Payments.* (1) During the first period the Government will pay to the contractor the price set forth in article ____ for all items delivered. During each succeeding period the Government will pay to the contractor the prices negotiated hereunder for items delivered in that period. If the price for any succeeding period hereunder is still under negotiation and not agreed upon at the beginning of that period, then until an adjusted price for that period is agreed upon, the contractor will be paid the fixed price established for the last preceding period.

(2) After the contractor and contracting officer have agreed by supplemental agreement upon the adjusted prices for the first period, or for any other period in which payment of the prices fixed for the preceding period has been continued pending agreement upon the adjusted prices, an amount equal to the difference between the prices paid on the items delivered in that period and such adjusted prices will be added to or deducted from payments for subsequent deliveries under this contract or will be paid by or returned to the Government, as the contracting officer may direct.

(f) *Accounts and records—statements.* The contractor will maintain books, records, and accounts so as to reflect accurately and segregate clearly the costs of performing this contract. For this purpose the contractor may follow the cost accounting system regularly used by it, if the contracting officer finds that it is adequate and in accordance with sound accounting practice. All statements showing costs experienced by the contractor under this contract will be based upon such books, records, and accounts, and will be certified as correct by two officers of the contractor or by an independent auditor, approved by the contracting officer. The contractor will submit his books and accounts to such examination and audit as the contracting officer may request. The contractor represents that the estimates of future costs contained in paragraph (b), and hereafter submitted pursuant to paragraph (c) (2) reflect the best judgment of the contractor as to probable costs on the basis of previous cost experience and all other relevant factors, and contain no provisions for reserves or allowances not revealed therein.

§ 81.361 *Changes in delivery schedules.* Whenever a change in the production schedules of the contractor will substantially affect his costs of performance and there is serious risk of such interruption as a result of Government action, the following article may be included in the contract, if the chief of the supply service is satisfied that the contractor has suitably adjusted his price by eliminating therefrom allowances and reserves to provide for such contingencies.

Article ____—Changes in delivery schedules. (a) If the Government reduces the rate of deliveries hereunder by partial termination for the convenience of the Government, or if, without fault or negligence on the part of the contractor, the Government or any of its agencies or instrumentalities, by any preference, priority, or allocation order, or by any other act, at any time prevents the contractor from delivering any of the items under this contract in accordance with the delivery schedules then in effect, and such reduction or delay so changes or interrupts the contractor's schedules of production as substantially to affect the cost of any of the items procured hereunder, the Government will make an equitable adjustment in the contract price and time for performance hereunder.

(b) The contractor will assert any claim for adjustment under this article within 30 days after the date any such reduction is ordered, or any such delay first occurs, or within such further period as the contracting officer may allow before the date of final settlement of the contract. The contracting officer may agree with the contractor for such adjustment, if any, in the contract price or time of performance hereunder or both, as he deems justified. If the parties fail to agree as to the cause of the delay or upon the adjustment to be made, the dispute will be determined in accordance with article ____ (Disputes). The adjustment shall be evidenced by a supplemental agreement to this contract.

CONTRACT ARTICLES FOR PERIODIC READJUSTMENT OF PRICE

§ 81.1220 *Articles authorized.* Alternative contract articles providing for periodic readjustment of the contract price, and for exemption from renegotiation under the Act of April 28, 1942, (sec. 403, Public Law 528, 77th Cong.) as amended, under certain conditions are set forth in § 81.360 (Form I) and § 81.360 (Form II). These articles, which are hereafter called Form I and Form II, respectively, are approved for use in lump-sum or fixed price contract in accordance with this section. Except as expressly authorized in this section or subsequent instructions, deviations from the standard articles will not be used.

§ 81.1221 *Effect of articles.* Both Form I and Form II divide performance under the contract into specified periods

[1] This break-down may be altered to suit particular circumstances.

[2] State separately the estimated amount of each of the following items included: (a) normal depreciation: (b) special amortization.

for the purpose of adjusting the contract price. Under Form I the original contract price is exempt from statutory renegotiation for the first period of performance, but under Form II, the price for the first period will be adjusted at the end of that period and appropriate credit or refund made, and this adjusted price may be exempted from statutory renegotiation by the contracting officer, as hereafter described. Under both forms the contracting officer and contractor will negotiate at the end of each period (except the last) to fix the price for the succeeding period on the basis of cost experience and other data, and the contracting officer, at his discretion, may exempt the price so fixed from statutory renegotiation, if he believes that the cost data are sufficiently accurate and that the price is fair to the Government and will not result in excessive profits to the contractor.

§ 81.1222 *Purpose of articles.* These articles are intended to carry out the policy of the War Department to promote efficiency in operation and production, reductions in costs by its contractors, and lower prices to the Government. They are designed to obtain these results as follows:

(a) Since the periods for which prices are fixed are to be relatively short, uncertainty and the risks of future changes in conditions are reduced, and the need for reserves and allowances for contingencies should be correspondingly decreased. At the end of each period, the prices for the next period will be fixed on the basis of recent past experience, current conditions, and more accurate forecasts.

(b) If a firm price exempt from statutory renegotiation during the specified period is granted, the contractor is expected to agree in return to a close price with a narrow profit margin and to rely on his managerial skill to increase his profit by improved methods and efficiency.

(c) If costs are reduced in one period through efficiency then when the prices are adjusted for the succeeding period, the Government and the contractor will share the benefit of the reduced costs in the form of lower prices but with a higher allowed profit margin.

§ 81.1223 *Use of articles.* In using these articles the following principles will be observed:

(a) Since the operation of these articles requires reliable and accurate data on the actual costs of performance, they will be used only when the contracting officer is convinced that the contractor can and will supply reliable cost information in accordance with the contract provisions. Before using these articles in any contract, the contracting officer will therefore examine and analyze the cost accounting system of the contractor and satisfy himself that it is accurate and adequate for these purposes.

(b) These articles also assume that the costs of performance during a succeeding period can be predicted with reasonable accuracy; otherwise there is no sound basis for predicting the probable profits with assurance, or for exempting them from statutory renegotiation. According, it will not ordinarily be feasible to use these articles unless the contractor has had previous experience in producing substantially similar articles, or the costs are reasonably standardized, or can be accurately determined after a short period of performance.

(c) Form I, which provides for a firm price exempt from statutory renegotiation for the first period of performance, will be used only where accurate data are available at the time the contract is made, on the cost of producing substantially the same articles under substantially the same conditions. In general, it will be used only for repeat orders for materials or equipment previously produced by the same contractor.

(d) Form II, under which the contract price for the first period is readjusted at the end of the period, will be used when the available data on costs of performance are insufficient to allow Form I to be used, but where reasonably accurate costs data will become available toward the end of the first period of performance.

(e) Use of these articles will be limited to contractors who are willing substantially to eliminate allowances in the price for contingencies in view of the short-term pricing and to accept a smaller original profit margin in return for the other benefits of the contract.

(f) The length of the periods of performance to be specified for adjusting the price will depend upon the circumstances of each case. When Form II is used, the first period should be sufficient to allow costs of production to become reasonably stable. The succeeding periods under Form II and all periods under Form I should range from three or four months in most cases up to a maximum of six months where conditions are unusually stable and costs are accurately predictable. Where it will be simpler or more convenient to do so, the contract article may fix the periods by reference to the production or delivery of a prescribed number of articles instead of in terms of days or months, if the length of the periods so fixed will substantially conform to the required duration.

(g) When either Form I or Form II is used, the contract will not include any other provisions for price adjustment (such as escalation, redetermination, upward renegotiation) except (a) the statutory renegotiation article in accordance with § 81.1224 and (b) provisions for equitable adjustment of the price in case of changes in specifications, deliveries, rates of production, or increased expenses resulting from allocations or other Government action (see § 81.361).

(h) Form I or Form II will be used only with the permission of the Director, Purchases Division, Headquarters, Services of Supply. Requests for such permission will state (1) the experience of the contractor with similar production, (2) the adequacy of the cost system and cost data of the contractor, (3) the price and profit margin which the contractor will agree to if the article is included, and (4) the reasons for recommending approval of the use of the article in the particular contract.

§ 81.1224 *Insertion of statutory renegotiation article.* Under both Form I and Form II of the articles for periodic price adjustment, the contract price for any period (except the first period under Form I) will remain subject to renegotiation under the Act of April 28, 1942 (sec. 403, Public Law 528, 77th Cong.), as amended, unless it is exempt under the terms of the statute or is exempted by the contracting officer in the exercise of his discretion under the contract article. Accordingly any contract which contains an article for periodic adjustment of the contract price will also include the contract article for statutory renegotiation (§ 81.342 (a)), if it is required by the provisions of §§ 81.1201 to 81.1214 of these regulations, but an additional sentence will be added at the end of section (a) of the statutory renegotiation article (§ 81.342 (a)) in such cases. When Form I is used this added sentence will read as follows:

> Sections (a) and (c) of this article do not apply to the prices fixed for the first period under this contract and exempt from statutory renegotiation by article ____ or to the prices fixed for any other periods thereunder which are exempted from statutory renegotiation by the contracting officer in the exercise of his discretion under that article.

When Form II is used this added sentence will read as follows:

> Sections (a) and (c) of this article do not apply to the prices fixed for any period under article ____ of this contract which are exempted from statutory renegotiation by the contracting officer in the exercise of his discretion under that article.

§ 81.1225 *Changes in termination article.* When Form I or Form II is used, the contract article entitled "Termination for the Convenience of the Government" (§ 81.324) will be amended by adding at the end of (d) (3) (A) and of (g) of that article the following additional sentence:

> For this purpose the contract price for the uncompleted portion of the contract shall be computed on the basis of (1) the prices agreed upon for the price period in which the notice of termination takes effect, if adjusted prices have been agreed upon for that period, or (2) such estimated prices as the contracting officer deems reasonable under all circumstances, if adjusted prices have not been agreed upon for that period.

§ 81.1226 *Use of articles without provisions for exemption.* Where a supply service desires to provide in a contract for periodic readjustment of the contract price but does not desire to provide for exemption or for the power to exempt the contract price from statutory renegotiation in accordance with Form I or Form II, either Form I or Form II may be revised to eliminate exemption of the contract price from statutory renegotiation or the power of the contracting officer to exempt it therefrom, by deleting the second and third sentences of paragraph (b) (2) from Form I and the second sentence of paragraph (d) (3) from Form I and Form II. With these deletions Form I or Form II may be used

at the discretion of the chief of the supply service without special permission from the Director, Purchases Division. When these articles are used in this revised form, the contract price will be adjusted for each period in the manner provided in Form I and Form II, but will remain subject to statutory renegotiation unless otherwise exempt under the Act of April 28, 1942, (sec. 403 (i) Public Law 528, 77th Cong., as amended by Public Law 753, 77th Cong.). Accordingly any such contract will include the standard form of contract article for statutory renegotiation (§ 81.-342 (a)) if required by §§ 81.1201 to 81.1214 of these regulations.

§ 81.1227 *Price adjustments under the articles.* In the operation of contracts containing Form I and Form II, contracting officers will observe the following principles:

(a) When the contractor submits the cost data, estimates, and proposed prices in accordance with the contract terms, the contracting officer will make such tests or checks of the data submitted, by examining the records of the contractor or otherwise, as he deems necessary to satisfy himself of their accuracy and sufficiency.

(b) Negotiations with the contractor to adjust the price will be begun and completed as expeditiously as possible in order to avoid delay in fixing the adjusted price. If, in the opinion of the contracting officer, the contractor unreasonably prolongs or delays the negotiations or refuses to agree upon a reasonable adjusted price, the contracting officer will promptly report the facts to the chief of the supply service who may then initiate appropriate action to protect the interest of the Government either by termination of the contract, by statutory renegotiation of the contract price for any period not exempt therefrom, by compulsory order, or by other means.

(c) In determining the price for the first period under Form II or for succeeding periods under Form I or Form II, the contracting officer will allow more liberal profit margins where the contractor by skillful management, careful buying, or efficiency has reduced costs, and will demand lower profit margins where performance has been inefficient or below standard.

(d) The contracting officer will exercise his power to exempt from statutory renegotiation the adjusted prices agreed upon for the first period under Form II or for succeeding periods under Form I or Form II, only if he is convinced (1) that the cost data and cost estimates on which the adjusted prices are based are reliable and accurate, and (2) that the adjusted prices are fair to the Government and the exemption from renegotiation will not result in excessive profits. The contracting officer has full responsibility for granting or withholding the exemption, and is under a serious duty to make certain that excessive profits will not result from his action. When he is convinced that the foregoing conditions are met, however, he should ordinarily grant the exemption for the period involved. In making this determination he will consult with the Price Adjustment Section of the Supply Service.

(e) Whenever the contracting officer grants an exemption under a contract containing either Form I or Form II, he will make a report to the Director, Purchases Division, Headquarters, Services of Supply, stating the adjusted price agreed upon, and containing copies of the data submitted by the contractor and any other data on which the adjusted price was based.

(f) After the entire contract is completed, the contracting officer will request from the contractor a statement showing the actual costs of performing the entire contract, and the prices paid during each period, and will send a copy of the statement to the Director, Purchases Division, Headquarters, Services of Supply.

§ 81.1228 *Inserting articles in existing contracts.* Where it is practicable and to the advantage of the Government to do so, existing contracts may be amended by supplemental agreement to insert either Form I or Form II upon the conditions prescribed by these regulations, and, with the permission of the Director, Purchases Division, Headquarters, Services of Supply.

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43-525; Filed, January 11, 1943; 10:44 a. m.]

Chapter IX—Transport

PART 91—GENERAL TRANSPORT REGULATIONS

OVERSEA MOVEMENT OF INDIVIDUALS ON ARMY TRANSPORTS

Sections 91.2 and 91.3 are hereby rescinded and the following substituted therefor:

AUTHORITY: §§ 91.2 to 91.4, inclusive, issued under R. S. 161; 5 U.S.C. 22.

SOURCE: The regulations contained in §§ 91.2 to 91.4, inclusive, are also contained in AR 55-390, dated December 16, 1942, the particular paragraphs being shown at the end of sections.

Oversea Movement of Individuals on Army Transports

§ 91.2 *Commercial passengers.* Army transports will not normally be used for carrying commercial passengers. In an unusual public emergency and where military necessity demands, Army transports may be used for this purpose provided commercial space is not reasonably available. A reasonable charge for such transportation will be made as mutually arranged between the Chief of Transportation and the Maritime Commission. (Op. JAG, June 11, 1918, and October 17, 1941) [Par. 3]

§ 91.3 *Transportation of individuals—* (a) *General.* Requests for transportation of persons from the continental United States to oversea ports, except for officers and enlisted men of the Army, Navy, and Marine Corps, must contain a statement whether the respective oversea commander has either requested the personnel or approves their entrance into the military area under his jurisdiction.

(b) *Officials and civilians.* Requests for passage of all officials and civilians not provided for in Army Regulations will be directed to the Chief of Transportation for approval and forwarding to the proper port of embarkation for action.

(c) *Female passengers.* No female personnel except Army nurses and authorized Red Cross workers may be taken on outward voyages from the continental United States except when specific authorization has been given by the Chief of Transportation.

(d) *Dependents.* Transportation of dependents of military personnel and civilian employees to oversea departments and bases, including Alaska, by Army transport or otherwise, is prohibited.

(e) *Civilian employees of Government stationed overseas.* Requests for transportation from an oversea post will be submitted by the local representative of the bureau with which the employee is connected, inclosing true copy of orders.

(f) *Secretaries of Young Men's Christian Association.* Secretaries of the Army and Navy Department of the Young Men's Christian Association may be furnished transportation on Army transports upon request of the headquarters of that organization when accommodations are available.

(g) *Panama Canal employees.* Transportation may be furnished on Army transports, when accommodations are available, for male employees of the Panama Canal on outward voyages from the continental United States and for the employees and their immediate families on inward voyages from the Canal Zone upon payment of the same rates as are applicable upon vessels of the Panama Line. Orders for transportation must be obtained through the Governor of the Canal Zone or the Chief of Office, The Panama Canal, Washington, D. C.

(h) *American Red Cross personnel.* Requests will be submitted by Headquarters, American National Red Cross, or the headquarters representative at a port of embarkation.

(i) *Officers and employees of territorial governments.* Requests for transportation from officers and employees of the Hawaiian Government must bear the certificate of the Governor, Territory of Hawaii, that the applicant is an actual officer or employee. Transportation for officers and employees of the Puerto Rican Government from Puerto Rico is arranged through the Governor of Puerto Rico, and from the United States through the Director of Territories and Island Possessions, Department of the Interior. Children and female passengers may not be taken on outward voyages from the continental United States. [Pars. 4, 8, and 16 *a, b, c, d, e, f,* and *g*)

§ 91.4 *Stowaways and workaways.* The transport commander, agent, the master, and ship officers will use every precaution to prevent persons boarding Army transports as stowaways.

(b) In order to prevent unauthorized persons from boarding transports in the uniform of enlisted men, the commanding officers of units to embark immediately prior to embarkation will conduct

a roll call inspection to see that only members of their organization are present in ranks. Before anchor is weighed if there is any reason to suspect that stowaways or other unauthorized persons are aboard, the transport will be searched by the ship's officers under the direction of the master. The transport commander will form the troops in ranks or otherwise dispose them so as to facilitate a thorough search of every part of the ship.

(c) The transport commander will see that all stowaways, whether alien or claiming American citizenship, and all workaways are reported to the port debarkation officer immediately upon arrival. The port debarkation officer will make necessary arrangements with immigration authorities, and the stowaways or workaways will not be permitted to leave the ship until they have been properly cleared.

(d) In the Philippines, they will be given the option of remaining aboard and returning on the transport or being turned over to the civil authorities for prosecution as vagrants. In other oversea ports they will be confined in a military guardhouse until disposed of in accordance with instructions from the immigration officials.

(e) In addition to the record in the office of the ship transportation officer or transportation agent, the master will cause to be entered in the ship log a record of all stowaways and workaways. [Pars. 17*g*, *h*, *i*, *j*, and *k*]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-512; Filed, January 9, 1943; 2:47 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T.D. 5210]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

OWNERSHIP OF AND INTERESTS IN MINERALS

Regulations 103 amended to conform to section 145 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942.

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to section 145 of the Revenue Act of 1942 (Public Law 753, 77th Congress), such regulations are amended as follows:

PARAGRAPH 1. Section 19.23 (m)-1 is amended as follows:

(A) By inserting in the part designated (3) of the division designated (f) of the fourth paragraph immediately after the words "iron ore" the following: ", ball and sagger clay or rock asphalt,".

(B) By striking from the part designated (4) of the division designated (f) of the fourth paragraph the words "or silver" and inserting in lieu thereof the following: "silver or fluorspar".

PAR. 2. Section 19.23 (m)-3 is amended as follows:

(A) By striking from the heading of the section "*(other than metal, coal, or sulphur mines)*" and inserting in lieu thereof the following: "*(other than metal, coal, fluorspar, ball and sagger clay, rock asphalt, or sulphur mines)*".

(B) By striking from the first sentence "(other than metal, coal, or sulphur mines)" and inserting in lieu thereof the following: "(other than metal, coal, or sulphur mines; and with respect to taxable years beginning after December 31, 1941, other than fluorspar, ball and sagger clay, or rock asphalt mines)".

(C) By inserting in the fourth paragraph immediately after the words "apply to" the following: "fluorspar, ball and sagger clay, or rock asphalt mines with respect to taxable years beginning after December 31, 1941; nor to".

PAR. 3. Section 19.23 (m)-5 is amended as follows:

(A) By changing the heading of the section to read as follows: "*Computation of depletion based on a percentage of income in the case of coal mines, metal mines, fluorspar mines, ball and sagger clay mines, rock asphalt mines, and sulphur mines or deposits*".

(B) By inserting in the first sentence immediately after the words "metal mines" the following: "and with respect to taxable years beginning after December 31, 1941, in the case of fluorspar, ball and sagger clay, or rock asphalt mines,".

(C) By inserting at the end of the first paragraph a new sentence to read as follows:

* * * In no case shall the deduction computed under this section in respect of a taxable year beginning after December 31, 1941, be less than it would be if computed upon the cost or other basis of the property provided in section 113.

(D) By changing the second paragraph to read as follows:

A taxpayer may for taxable years beginning after December 31, 1941, compute the depletion allowance provided in this section, or in § 19.23 (m)-2, without regard to any election previously made in respect of computation of the allowance. Computation of depletion based on a percentage of income is applicable to fluorspar, ball and sagger clay, or rock asphalt mines, however, only for taxable years beginning after December 31, 1941. Subject to the qualification specified in the last sentence of this paragraph, a taxpayer making his first return under chapter 1 (for a taxable year beginning after December 31, 1938, and before January 1, 1942) in respect of a property (other than a fluorspar, ball and sagger clay, or rock asphalt mine) must state as to each such property whether he elects to have the depletion allowance for each such property for the taxable year computed with or without reference to percentage depletion. For the purpose of this section the taxpayer's first return under chapter 1 in respect of a property is the return made under that chapter for his first taxable year (beginning after December 31, 1938, and before January 1, 1942) for which he has any item of income or deduction with respect to such property. An election once exercised under section 114 (b) (4) and this section in respect of any taxable year beginning prior to January 1, 1942, cannot thereafter be changed by the taxpayer, and the depletion allowance in respect of each such property will for all succeeding taxable years (beginning prior to January 1, 1942) be computed in accordance with the election so made. If the taxpayer fails to make such statement in the return in which the election should be so indicated, the depletion allowance for the year for which an election must be first exercised and for all succeeding taxable years beginning prior to January 1, 1942, will be computed without reference to percentage depletion. The method, determined under section 114 (b) (4) and this section, of computing the depletion allowance shall be applied in the case of the property for all taxable years beginning prior to January 1, 1942, in which it is in the hands of such taxpayer, or of any other person if the basis of the property (for determining gain) in his hands is, under section 113, determined by reference to the basis in the hands of such taxpayer, either directly or through one or more substituted bases, as defined in that section. In respect of taxable years beginning prior to January 1, 1942, the right of election specified in this paragraph is subject to the qualification that section 114 (b) (4) shall, for the purpose of determining whether the method of computing the depletion allowance follows the property, be considered a continuation of section 114 (b) (4) of the Revenue Act of 1934, and the Revenue Act of 1936, and the Revenue Act of 1938, and as giving no new election in cases where any of such sections would, if applied, give no new election.

PAR. 4. Section 19.23 (m)-8 is amended by striking from the first sentence "other than coal, sulphur," and inserting in lieu thereof the following: "other than fluorspar, ball and sagger clay, or rock asphalt with respect to taxable years beginning after December 31, 1941, and coal, sulphur,".

PAR. 5. Section 19.23 (m)-10, as amended by Treasury Decision 4968, approved March 25, 1940, is further amended as follows:

(A) By striking from that part designated (d) "(and for subsequent taxable years" and inserting in lieu thereof the following: "(and for subsequent taxable years beginning prior to January 1, 1942".

(B) By inserting at the end of that part designated (d) a new sentence to read as follows:

* * * For taxable years beginning after December 31, 1941, the owner of an economic interest in fluorspar, ball and sagger clay, or rock asphalt mines may take as a depletion deduction in respect of any bonus or advance royalty from the property 15 percent of the amount thereof, but the deduction shall not in any case exceed 50 percent of the net income of the taxpayer (computed without allowance for depletion) from the property.

PAR. 6. Section 19.23 (m)-13 is amended by inserting in the first sentence immediately after the words "metal mines," the following: "fluorspar mines,

ball and sagger clay mines, rock asphalt mines,".

PAR. 7. Section 19.23 (m)-14 is amended as follows:

(A) By changing the heading of the section to read as follows: *"Discovery of mines other than coal, metal, flourspar, ball and sagger clay, rock asphalt, or sulphur mines.",*

(B) By striking from the first sentence "(other than a coal, metal, or sulphur mine) or minerals (other than oil or gas, coal, sulphur, metal, or metallic ores)," and inserting in lieu thereof the following: "other than a coal, metal, or sulphur mine, or, with respect to taxable years beginning after December 31, 1941, a fluorspar, ball and sagger clay, or rock asphalt mine) or minerals (other than oil or gas, coal, sulphur, metal or metallic ores, or with respect to taxable years beginning after December 31, 1941, fluorspar, ball and sagger clay, or rock asphalt),".

PAR. 8. There is inserted immediately preceding § 19.114-1 the following:

SEC. 145. PERCENTAGE DEPLETION FOR COAL, FLUORSPAR, BALL AND SAGGER CLAY, ROCK ASPHALT, AND METAL MINES AND SULPHUR. (Revenue Act of 1942, Title I.)

(a) *Percentage depletion.* Section 114 (b) (4) is amended to read as follows:

(4) *Percentage depletion for coal, fluorspar, ball and sagger clay, rock asphalt, and metal mines and sulphur.* The allowance for depletion under section 23 (m) shall be, in the case of coal mines, 5 per centum, in the case of metal mines, fluorspar, ball and sagger clay or rock asphalt mines, 15 per centum, and, in the case of sulphur mines or deposits, 23 per centum of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance under section 23 (m) be less than it would be if computed without reference to this paragraph.

(b) *Discovery depletion not applicable to fluorspar, ball and sagger clay or rock asphalt mines.* Section 114 (b) (2) is amended by striking out "metal, coal, or sulphur mines" and inserting in lieu thereof "metal, coal, fluorspar, ball and sagger clay, rock asphalt, or sulphur mines".

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 9. Section 19.114-1 is amended by inserting in the first sentence immediately after the words "metal mines," the following: "fluorspar mines, ball and sagger clay mines, or rock asphalt mines,".

(Sec. 145 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.) and sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: January 8, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-529; Filed, January 11, 1943; 11:03 a. m.]

Subchapter D—Social Security and Carriers Taxes

[T.D. 5211]

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

EMPLOYMENT TAXES

Regulations 106 and Regulations 107 amended to conform to section 165 (a) of the Revenue Act of 1942, modifying the exemption from income tax of certain mutual insurance companies or associations under section 101 (11) of the Internal Revenue Code.

In order to conform Regulations 106 [Part 402, Title 26, Code of Federal Regulations, 1940 Sup.] relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code; 53 Stat. 175, 1381; 26 U.S.C., 1940 ed., 1400 to 1432, inclusive), and Regulations 107 [Part 403 of such Title 26, 1940 Sup.], relating to the excise tax on employers under the Federal Unemployment Tax Act (subchapter C, chapter 9, Internal Revenue Code; 53 Stat. 183, 1387; 26 U.S.C., 1940 ed., 1600 to 1611, inclusive), to section 165 (a) of the Revenue Act of 1942, approved October 21, 1942 (Public Law 753, 77th Congress), such regulations are amended as follows:

Immediately preceding § 402.217 of Regulations 106, relating to organizations exempt from income tax, and immediately preceding § 403.217 of Regulations 107, relating to organizations exempt from income tax, the following is inserted:

SECTION 165 (a) [TITLE I] OF THE REVENUE ACT OF 1942

Exempt companies. Section 101 (11) [Internal Revenue Code] is amended to read as follows:

"(11) Mutual insurance companies or associations other than life or marine (including interinsurers and reciprocal underwriters) if the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) does not exceed $75,000;".

SECTION 101 [TITLE I] OF THE REVENUE ACT OF 1942

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

(Secs. 1429 and 1609 of the Internal Revenue Code (53 Stat. 178, 188; 26 U.S.C., 1940 ed., 1429, 1609), and sec. 165 (a) of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: January 8, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-530; Filed, January 11, 1943; 11:03 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order 77]

GREYSTONE PARK STATE HOSPITAL PROJECT, N. J.

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Greystone Park State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 77. Said project, located at Morris Plains, Morris County, New Jersey, will be the base of operations for work at the Greystone Park State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Greystone Park State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Greystone Park State Hospital at Morris Plains, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Greystone Park State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

JANUARY 6, 1943.

[F. R. Doc. 43-520; Filed, January 11, 1943; 10:01 a. m.]

[Order 78]

COLORADO PSYCHOPATHIC HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Colorado Psychopathic Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 78. Said project, located at Denver, Denver County, Colorado, will be the base of operations for work at the Colorado Psychopathic Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-com-

batant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Colorado Phychopathic Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Director, Colorado Psychopathic Hospital at Denver, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Colorado Phychopathic Hospital. Administrative and directive control shall be under the Selective Service system through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

JANUARY 7, 1943.

[F. R. Doc. 43–519; Filed, January 11, 1943; 10:01 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Amendment 3 to Suspension Order S–121]

COFFEE CORP. OF AMERICA

Paragraph (a) of § 1010.121, Suspension Order S–121, issued October 22, 1942, and amended November 23, 1942, and December 21, 1942, is hereby amended to read as follows:

(a) During each of the calendar months of February 1943, March 1943, and April 1943, deliveries of coffee by Coffee Corporation of America, its successors and assigns, shall not exceed 151,833 pounds, except as specifically authorized by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–443; Filed, January 8, 1943; 4:32 p. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S–196]

ASSOCIATED DYEING AND PRINTING CO. OF N. J., INC.

Paragraph (a) of § 1010.196, Suspension Order S–196, issued December 31, 1942, is hereby amended to read as follows:

(a) Associated Dyeing and Printing Company of New Jersey, Inc., its successors and assigns, shall not order or accept delivery of any of the anthraquinone dyes specified in paragraph (c) (3) of Conservation Order M–103, except as specifically authorized by the Director General for Operations.

Issued this 8th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–444; Filed, January 8, 1943; 4:32 p. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S–198]

BOUCHARD & CHARVET DYE & FINISH CO.

Paragraph (a) of § 1010.198, Suspension Order S–198, issued December 31, 1942, is hereby amended to read as follows:

(a) Bouchard & Charvet Dye & Finish Company, its successors and assigns, shall not order or accept delivery of any of the anthraquinone dyes specified in paragraph (c) (3) of Conservation Order M–103, except as specifically authorized by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–445; Filed, January 8, 1943; 4:33 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–203]

ECONOMY OIL AND KEROSENE CO.

Stanley L. Hughey, doing business as the Economy Oil and Kerosene Company, Tampa, Florida, is engaged in supplying motor fuel to and operating twelve (12) service stations in and near Tampa, Florida, and is a supplier within the meaning of Limitation Order L–70. During the months of April, May, June, and from July 1 to July 21, 1942, the Economy Oil and Kerosene Company made deliveries of motor fuel to eleven (11) of its twelve (12) stations 204,262 (two hundred and four thousand and two hundred and sixty two) gallons in excess of its established quota for those eleven stations of 190,774 (one hundred and ninety thousand and seven hundred and seventy four) gallons. The Economy Oil and Kerosene Company failed to compute the proper quota for these deliveries, and failed to report to the War Production Board its anticipated deliveries and its actual deliveries to the said eleven service stations as required by Limitation Order L–70. Stanley L. Hughey was aware of the existence of Limitation Order L–70 but was grossly negligent in that he failed to ascertain the terms and restrictions of that order. Consequently the over deliveries and the failure to report constituted willful violations of Limitation Order L–70.

These willful violations of Limitation Order L–70 have hampered and impeded the war effort of the United States. In view of the foregoing facts: *It is hereby ordered:*

§ 1010.203 *Suspension Order S–203.* (a) Stanley L. Hughey doing business as the Economy Oil and Kerosene Company, or under any other name, their lessees, successors, and assigns, shall not accept delivery at the service stations listed below of any motor fuel as the same is defined in Limitation Order L–70, except as specifically authorized by the Director General for Operations.

Lakeland, Florida.
4318 7th Avenue, Tampa.
40th & Hillsborough, Tampa.
15th & Hillsborough, Tampa.
5705 Nebraska Avenue, Tampa.
6505 Florida Avenue, Tampa.
4302 Florida Avenue, Tampa.
2502 Tampa Street, Tampa.
706 13th Street, Tampa.
8th Avenue and 15th Street, Tampa.
Lisbon and Memorial, Tampa.

(b) No person shall deliver any motor fuel as the same is defined in Limitation Order L–70 to the service stations listed in paragraph (a) hereof, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Stanley L. Hughey, individually or doing business as the Economy Oil and Kerosene Company, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 11, 1943 and expire on June 11, 1943 at which time the restrictions contained in this order shall be of no further force or effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of January 1943.

ERNEST KANZLER,
Director General for Operations,

[F. R. Doc. 43–446; Filed, January 8, 1943; 4:33 p. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S–208]

CLIFFSIDE DYEING CORP.

Paragraph (a) of § 1010.208, Suspension Order S–208, issued January 5, 1943, is hereby amended to read as follows:

(a) Cliffside Dyeing Corporation, its successors and assigns, shall not order or accept delivery of any of the anthraquinone dyes specified in paragraph (c) (3) of Conservation Order M–103, except as specifically authorized by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–447; Filed, January 8, 1943; 4:33 p. m.]

PART 923—TUNGSTEN

[General Preference Order M–29 as Amended Jan. 9, 1943]

Whereas, the national defense requirements have created a shortage of tung-

sten, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 923.3 *General Preference Order M–29*—(a) *Definitions.* For the purposes of this order:

(1) "Tungsten" means and includes:

(i) Ores and concentrates, including beneficiated or treated forms, containing commercially recognized tungsten;

(ii) The element tungsten in pure form, in any shape into which the same may be fabricated;

(iii) Ferro-tungsten, tungsten metal powder and any other ferrous combination of the element tungsten in semi-manufactured or manufactured form, excluding alloy steel, high speed steel and tool steel.

(iv) All non-ferrous mixtures or alloys containing tungsten, prepared for any purpose requiring further processing, whether the same are manufactured by means of melting, pressing, sintering, brazing, soldering or welding, including but not limited to mixtures or alloys to be used in the production of tools and tool blanks or as hard facing materials, but not including any finished tool;

(v) All chemical compounds having tungsten as a recognizable and essential component from which tungsten is commercially recoverable.

(vi) All scrap or secondary material containing commercially recoverable tungsten as defined in (ii), (iii), (iv) and (v) above, excluding tungsten bearing iron and steel scrap.

(2) "Producer" means any person who mines or otherwise produces natural materials containing recoverable quantities of tungsten.

(3) "Processor" means any person who prepares ores concentrates or any chemical or metallurgical forms of tungsten for any industrial use.

(4) "Dealer" means any person who procures tungsten either by importing or from domestic sources for sale or resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes warehousemen, brokers and jobbers.

(b) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(c) *Restrictions on deliveries*—(1) *Allocations.* Except as permitted by paragraph (c) (2) of this order, no person shall make or accept delivery of tungsten without the specific authorization of the Director General for Operations.

The Director will from time to time allocate the supply of tungsten and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses shall be made or withheld. The Director may also require any person seeking to place a purchase order for tungsten to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(2) *Permissible deliveries.* Until further order or in the absence of a contrary direction by the Director General for Operations, the following transactions are permitted without specific authorization by the Director General for Operations:

(i) Tungsten in any form may be delivered by any person to the Metals Reserve Company or to any other Corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (15 U.S.C., section 606 (b)), or to any duly authorized agent of any such Corporation.

(ii) Tungsten in any form (except in the form of wire, rod, sheet or metal powder) may be delivered by any person to any person in quantities of 25 pounds or less of contained tungsten, provided that the total quantity in terms of tungsten content which any person may receive pursuant to the provisions of this subparagraph during any one calendar month, beginning with the month of July, 1942, from all sources of supply shall be limited to 25 pounds.

(iii) Tungsten ores or concentrates may be delivered by any producer, dealer or processor:

(*a*) To any processor for the purpose of being concentrated, further concentrated or beneficiated by the processor receiving such delivery, or

(*b*) To any dealer, provided that no dealer shall store or otherwise hold for more than 120 days any material acquired by him under the provisions of this subparagraph.

(d) *Reports and applications.* (1) Each processor and dealer shall file with the War Production Board on or before the 20th day of each calendar month reports on form PD–9–d, or such other form as said Board may from time to time prescribe.

(2) Any person who desires an allocation of tungsten shall apply therefor to the War Production Board not later than the 20th day of the month preceding the month in which delivery of the material is desired, on Form PD–9–c, or such other form as the War Production Board may from time to time prescribe, and shall file a copy of such application with each supplier with whom he places a purchase order for tungsten. All such applications to the War Production Board must be accompanied by reports on behalf of the applicant on form PD–9–d, or on such other form as may be prescribed for this purpose from time to time by the War Production Board. Failure by any person to file an application in the manner and on the date required by this paragraph may be construed as notice to the Director General for Operations and to all suppliers of tungsten that such person does not desire an allocation of tungsten during the next succeeding month.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Effect upon other orders.* Nothing contained in this order shall be construed as altering or modifying any of the terms or provisions of General Imports Order M–63, as the same may be from time to time amended.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Tungsten Branch, War Production Board, Washington, D. C., Reference: M–29.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–487; Filed, January 9, 1943; 11:43 a. m.]

PART 962—IRON AND STEEL

[Interpretation 3 of Supplementary Order M–21–d]

CORROSION AND HEAT RESISTANT CHROME STEEL

The following interpretation is issued with regard to Supplementary Order M–21–d:

Paragraph (a) of Supplementary Order M–21–d (§ 962.5) places certain restrictions on the use and delivery of corrosion and heat resistant chrome steel except where specific authorization or direction has been given by the Director General for Operations. For the purposes of this order, the approval of an order for melting or delivery on forms PD–391 or PD–707 constitutes specific authorization or direction by the Director General for Operations. Therefore, an order for such steel rated lower than AA–5 can be melted, processed and shipped, if approved on forms PD–391 or PD–707, and the purchaser can use such steel in his own operations or processes or complete fabrication of articles from such steel and ship to his customer.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–488; Filed, January 9, 1943; 11:44 a. m.]

PART 996—CHLORINATED HYDROCARBON SOLVENTS

[General Preference Order M–41 as Amended Jan. 9, 1943]

Whereas the national defense requirements have created a shortage of

chlorinated hydrocarbon solvents, as hereinafter defined, for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 996.1 *General Preference Order M–41*—(a) *Definitions.* (1) "Chlorinated hydrocarbon solvents" means:

(i) Carbon tetrachloride,

(ii) Trichlorethylene,

(iii) Perchlorethylene,

(iv) Ethylene dichloride,

and includes mixtures containing the foregoing, provided said mixtures are suitable for any of the uses hereinafter in paragraph (c) specified.

(2) "Producer" means any person engaged in the production of chlorinated hydrocarbon solvents and includes any person who has chlorinated hydrocarbon solvents produced for him pursuant to toll agreement.

(3) "Dealer" means any person who purchases chlorinated hydrocarbon solvents for purposes of resale.

(4) "Base period" means the twelve months' period ending September 30, 1941. In the event that a person shall not throughout such period have been in the business of using chlorinated hydrocarbon solvents, the base period shall be such period as the Director General for Operations shall select, having regard to such person's consumption of chlorinated hydrocarbon solvents at other or different times.

(b) *Applicability of Priorities Regulation 1.* This order and all transactions in chlorinated hydrocarbon solvents are subject to the provisions of Priorities Regulation 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(c) *Assignment of preference ratings.* Unless a higher preference rating has been specifically assigned by the Director General for Operations, whether by certificate, preference rating order or otherwise, orders for chlorinated hydrocarbon solvents for each of the uses set forth below are hereby assigned the preference rating set opposite such use as follows:

Use	*Preference rating*
Fumigation of stored products, including grain	A–10
Charging and recharging fire extinguishers	A–10
Plant control laboratories, hospitals, educational institutions and public institutions, for own consumption	A–10
Processing and manufacture of food, chemicals, rubber, petroleum and plywood, where substitution of other materials is impractical	A–10
Cleaning of metal parts of electrical equipment	A–10
Manufacture of chlorinated hydrocarbon refrigerants	A–10
Degreasing machines specially designed to use such solvents, where used in the manufacture of aircraft, motor vehicles, arms and other direct war material pursuant to contracts or subcontracts with the Army or the Navy of the United States and where, because such solvents are not incorporated in the end product, the rating assigned is not extendable by the contractor or subcontractor; provided that the contractor or subcontractor shall have certified to such fact on his order for such solvents	A–10
Degreasing machines specially designed to use such solvents in a manufacturing process (except as described in the preceding paragraph) or in the repair of public carriers; provided such machines use the solvents at or near their boiling point	B–2
Packaged spotting and cleaning preparations	B–2
Dry cleaning establishments	B–2
Manual cleaning of non-absorbent articles other than metal parts of electrical equipment	B–2

(d) *Restrictions on deliveries.* (1) No person requiring any chlorinated hydrocarbon solvents for any use to which a preference rating of B–2 is assigned by paragraph (c) of this order shall in any month receive delivery of chlorinated hydrocarbon solvents intended for such use in an amount in excess of fifty (50) percent of such person's average monthly consumption of chlorinated hydrocarbon solvents in such use during the base period: *Provided, however,* That any person requiring carbon tetrachloride for any use to which a preference rating of B–2 is assigned by paragraph (c) of this order may receive delivery in any month of an amount of carbon tetrachloride up to but not in excess of one hundred (100) percent of such person's average monthly consumption of carbon tetrachloride in such use during the base period.

(2) No person other than a dealer shall receive delivery of any chlorinated hydrocarbon solvents from any other person for any use to which a preference rating lower than A–10 has been assigned by this order or otherwise unless prior to receiving delivery thereof he shall have furnished such other person with a duly executed purchaser's certificate, in duplicate, on Form PD–127 except that no purchaser's certificate shall be necessary where the quantity received is one gallon or less.

(3) Except as authorized by the Director General for Operations, no person shall receive chlorinated hydrocarbon solvents, whatever the quantity, except for the purpose of filling orders to which a preference rating has been assigned by this order or otherwise.

(4) Nothing in this paragraph (d) shall be construed to prevent:

(i) The delivery by producers of or dealers in chlorinated hydrocarbon solvents within the restrictions contained in paragraph (f) hereof and after provision has been made for filling defense orders, to and among themselves, for purposes of resale.

(ii) The acceptance of delivery of spent chlorinated hydrocarbon solvent residues by a reclaimer for purpose of reclamation, whether by way of purchase or with retention of title in the deliveror, and, where title is retained by the deliveror the return to the deliveror of the reclaimed solvents: *Provided however,* That the reclaimed solvents be held subject to the provisions of this order by such reclaimer or deliveror, as the case may be.

(iii) Nothing in this order shall be construed to prevent a person's accepting chlorinated hydrocarbon solvents in his customary delivery unit (tank car, drum or other container) provided, in the event that the quantity received exceeds the amount permitted by paragraphs (d) (1) and (f) hereof, that the person accepting such delivery shall not be entitled to receive additional chlorinated hydrocarbon solvents until the end of the period within which such quantity would be consumed at the rate of consumption authorized by this order.

(5) No person shall make delivery of chlorinated hydrocarbon solvents to any other person where such other person is not permitted by this order to receive the same nor, where acceptance of a limited quantity thereof is permitted by this order, in a quantity in excess of such permitted quantity.

(e) *Records and reports.* In addition to the records and reports required by Priorities Regulation 1 as amended, each producer or dealer shall, on or before the tenth day of each month, file with the War Production Board, Ref.: M–41, the duplicate of each purchaser's certificate (Form PD–127), submitted to him, in connection with which he has made delivery during the preceding month of chlorinated hydrocarbon solvents.

(f) *Inventory restrictions.* In addition to the inventory restrictions contained in Priorities Regulation 1, hereinabove referred to, no person other than a producer shall, except as provided in paragraph (d) (4) hereof, accumulate inventories of chlorinated hydrocarbon solvents in excess of a 30 day supply thereof, at the expected rate of use or resale.

(g) *Miscellaneous provisions.* (1) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director General for Operations. The Director General for Operations may thereupon take such action as he deems appropriate.

(2) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications

concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M–41.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–489, Filed, January 9, 1943; 11:43 a. m.]

PART 1001—TIN

[Preference Order M–43, as Amended Jan. 9, 1943]

Section 1001.1 *Preference Order M–43*, as heretofore amended on June 17, 1942, and October 19, 1942, is hereby further amended to read as follows:

§ 1001.1 *Preference Order M–43*—(a) *Revocation of Conservation Order M–43–a.* Conservation Order M–43–a, as amended November 24, 1942, is hereby revoked as of January 9, 1943.

(b) *Definitions.* For the purposes of this order:

(1) "Tin" means and includes both pig tin and secondary tin.

(2) "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, small bars, and ingots) produced from ores, residues or scrap.

(3) "Secondary tin" means any metal (except tin plate and terne plate as those terms are defined in Supplementary Order M–21–e) which contains less than 98% but not less than 1.5% by weight of the element tin.

(4) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat, or process in any way, but does not include the processing of tin ore, concentrates, residues or scrap into metallic tin.

(5) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with, or available for the use of such person.

(6) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(7) "Base period" means the corresponding calendar quarter of 1940.

(8) "Distributor" means any person regularly engaged in the business of buying and selling tin, and includes warehousemen and jobbers.

(c) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of the applicable priorities regulations of the War Production Board, as amended from time to time.

(d) *General restrictions on use of tin.* (1) No product or article or part thereof shall be manufactured of pig tin if it is possible to use secondary tin for such purpose.

(2) No tin in any form shall be used in the manufacture of any item, or in any process appearing on List A of this order; nor shall tin be used for any purpose except to manufacture the items listed in Schedule 1 of this order, within the limitations and restrictions specified in such Schedule.

(e) *Restrictions on the use of certain tin products.* Except with the specific permission of the Director General for Operations granted pursuant to appeal under paragraph (k), no person shall use any of the tin bearing products on List B, of this order in the manufacture or treating of any other product or article; *Provided*, That when any such tin bearing product is listed in Schedule 1, it may be used for the purposes for which it is permitted to be manufactured as specified in Schedule 1.

(f) *Restrictions on deliveries.* (1) No person shall deliver or accept delivery of pig tin without the specific authorization of the Director General for Operations; *Provided, however*, That in the absence of a contrary direction by the Director General for Operations, pig tin may be delivered without specific authorization:

(i) To the Metals Reserve Company or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (15 U.S.C., sec. 606 (b)), or to any duly authorized agent of any such corporation.

(ii) By any distributor in lots of three long tons or less up to but not exceeding a total of five long tons to any one customer in the same calendar month, *Provided*, That the aggregate of such deliveries which any person may receive from all distributors pursuant to the authority of this paragraph shall in no event exceed five long tons in any calendar month; *And provided further*, That any person seeking such a delivery shall, at the time of placing his purchase order, file with the distributor a statement substantially in the following form, signed by an official duly authorized for such purpose;

The Undersigned hereby certifies:

(a) That no allocation of pig tin has been made to the undersigned by the Director General for Operations during the calendar month in which delivery of the pig tin covered by the accompanying purchase order is specified;

(b) That such pig tin if delivered will not cause the undersigned's total receipts of pig tin from all distributors during the same calendar month pursuant to the authorization of paragraph (f) of General Preference Order M–43, as amended, to exceed five long tons; and

(c) That such pig tin will not be used or disposed of by the undersigned in violation of any order or regulation of the War Production Board.

(Name of purchaser)

By ---
(Duly authorized official)

(2) On or before the 10th day of each calendar month, each distributor shall report to the War Production Board in such form and detail as said Board may from time to time prescribe, his transactions in all pig tin during the previous month.

(g) *Allocations.* The Director General for Operations will from time to time allocate the supply of pig tin, including all pig tin released by the Metals Reserve Company, and issue specific directions as to the source, destination, and the amount of pig tin to be delivered or acquired. The Director General for Operations may also specifically direct the purposes and end products for which any person may convert, process or fabricate pig tin allocated to him.

(h) *Applications for pig tin.* Applications for allocations of pig tin or for specific authorization to accept delivery thereof under paragraph (g) shall be made to the War Production Board not later than the 20th day of the month next preceding the month in which delivery is desired, on Form PD–213 or such other form as the War Production Board may from time to time prescribe.

(i) *Prohibitions against sales or deliveries with knowledge of intended misuse.* Notwithstanding the authorization by the Director General for Operations of a sale or delivery of tin, no person shall sell or deliver any tin or tin bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order.

(j) *Limitation on inventories.* No manufacturer shall receive delivery of tin, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this order. In the absence of special permission to acquire or hold a greater supply of tin, forty-five days' inventory shall, for the purposes of this order, be deemed a practicable working inventory. Application for such special permission may be made by letter addressed to the Tin and Lead Division, War Production Board, Washington, D. C., reference M–43.

(k) *Appeals.* Any appeal from the provisions of this order shall be made by filing form PD–229 with the War Production Board. Such appeal shall refer to the particular provision appealed from, state fully the grounds of the appeal, and furnish such other information as may be required on the prescribed form.

(l) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items or articles are manufactured pursuant to a contract made prior or subsequent to January 9, 1943, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of tin in the production of any

item or article, the limitations of such other order shall be observed.

(m) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(n) *Communications to War Production Board.* All reports to be filed hereunder, appeals, and other communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Tin and Lead Division, Washington, D. C., Ref.: M-43.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

LIST A

Pursuant to the foregoing order, the use of tin in any form, including semi-finished and finished products, in the manufacture of the items and for the purposes listed below is prohibited:

1. Advertising specialties.
2. Art objects.
3. Automobile body solder, or any material used as a filler or smoother for automobile or truck bodies or fenders.
4. Band and other musical instruments (except as permitted in Schedule 1 under the item "pipe organs").
5. Britannia metal.
6. Broom wire.
7. Buckles.
8. Buttons.
9. Chimes and bells.
10. Emblems and insignia.
11. Fasteners: eyelets, spiral binders, office and industrial staples, book match clips, paper clips, zippers, dress hooks.
12. Foil (except as permitted in Schedule 1, under the item "Foil").
13. Zinc galvanizing.
14. Household furnishings and equipment.
15. Jewelry.
16. Kitchen equipment (including cutlery and tableware), except as permitted in Schedule 1 under the item "Kitchen, galley and mess equipment for the Army or Navy of the United States, the War Shipping Administration, the United States Maritime Commission or the Coast Guard."
17. Novelties, souvenirs and trophies.
18. Ornaments and ornamental fittings.
19. Pewter and pewter holloware.
20. Plating or coating for decorative purposes.
21. Powder (decorative).
22. Refrigerator trays and shelves.
23. Seals and labels.
24. Slot, game and vending machines.
25. Coated paper.
26. Tin oxide.
27. Toys and games.

LIST B

The following tin bearing products shall not be used in the manufacture or treating of any other products except in accordance with the provisions of paragraph (e) of the foregoing order:

1. Automobile body solder or any similar material containing tin, commonly used as a filler or smoother for automobile or truck bodies.
2. Tin oxide.
3. Solder containing more than 20% by weight of tin, except that solder containing not more than 30% of tin by weight, if acquired prior to January 9, 1943, may be used until April 1, 1943, by the person who so acquired it for any purpose other than as a smoother or filler for automobile or truck bodies.
4. Babbitt metal or similar alloys used as babbitt containing more than 12% by weight of tin.
5. Brittania metal, pewter metal or other similar tin bearing alloy.
6. Foil containing tin.

SCHEDULE 1

Pursuant to the foregoing order, tin may be used only in the production of the items and for the purposes set forth in this Schedule, subject to any limitations, restrictions or conditions specified with respect to any such item or purpose, and only to the extent that substitution of a less critical material is impracticable:

(1) *Implements of war.* The conditions, restrictions and limitations set forth in this Schedule with respect to any listed item or purpose shall not apply to the manufacture of "Implements of war" produced for the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Coast Guard, where the use of tin in the grade and to the extent employed is required by the latest applicable specifications (including performance specifications, unless otherwise directed by the Director General for Operations) of the government service or agency for which the same are being produced.

(2) *Detonators and blasting caps (including electric blasting caps).* This item includes all necessary parts and accessories, but is limited to detonators and blasting caps which are to be used in mining, quarrying or oil drilling operations. Necessary materials to be incorporated in such detonators or blasting caps shall be exempt from the limitations, conditions and restrictions specified in this Schedule with respect to any such material.

(3) *Tin plate and terne plate.* Tin plate and terne plate, as respectively defined in Supplementary Order M-21-e, as from time to time amended, may be manufactured as permitted under the provisions of said Supplementary Order. Terne metal, however, may be manufactured from secondary tin only.

(4) *Collapsible tubes.* The manufacture of collapsible tubes is permitted subject to the limitations and restrictions of Conservation Order M-115 as amended from time to time.

(5) *Brass and bronze.* The tin content of brass and bronze alloys shall be limited as follows:

(a) For cast alloys the maximum tin content shall be 9% by weight unless the lead content of the alloy is equal to or greater than the tin content, and in no case shall the tin content be greater than 12% by weight.

(b) In wrought alloys the maximum tin content shall be 6% by weight.

(6) *Solder.* In the manufacture of solder, the tin content shall be limited as follows according to the purposes for which it is to be used:

(i) For the repair of gas meters, not more than 38% tin by weight;

(ii) For wiping lead-sheathed cable joints or lead pipe joints, not more than 32.5% tin by weight;

(iii) For use in the manufacture of industrial instruments (as defined in Conservation Order L-134) and their associated control valves, 50% tin by weight: *Provided*, That solder of a lower tin content shall be used whenever its use will not cause damage or change the physical or electrical properties of the part soldered.

(iv) For all other purposes, not more than 21% tin by weight.

The total quantity of tin which any person may use in the manufacture of solder during any calendar quarter, beginning January 1, 1943, shall be limited to 50% of the quantity used by him in the manufacture of solder during the base period.

(7) *Babbitt.* In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited to not more than 12% by weight and only secondary tin shall be used. The foregoing restrictions, however, shall not apply where the babbitt metal or other similar alloy used as babbitt is to be used for any of the following purposes:

(i) Repair, maintenance or replacement in existing diesel engines, turbines, mining or quarrying machinery, locomotive connecting rods or coupling rod bearings; provided in any such case that the design of the machine or equipment makes the substitution of lead base babbitt impossible.

(ii) Repair, maintenance or replacement in vessels or shipping facilities pursuant to a preference rating duly established or assigned by the United States Maritime Commission. The total quantity of tin which any person may use in the manufacture of babbitt metal, or other similar alloys used as babbitt, during any calendar quarter, beginning January 1, 1943, shall be limited to 40% of the quantity used by him for such purposes during the base period.

(8) *Foil.* Foil containing tin may be manufactured only as follows:

(i) Electrotypers foil having a tin content of not more than 16% by weight.

(ii) Dental foil having a tin content of not more than 30% by weight.

(iii) Foil to be used in condensers, having a tin content of not more than 4½% by weight.

(iv) Soft babbitt foil for the preparation of industrial metallic packing, having a tin content of not more than 1.5% by weight.

The quantity of tin which any person may use in the manufacture of foil during any calendar quarter, beginning January 1, 1943, shall be limited to 35% of the quantity used by him for such purposes during the base period.

(9) *Dairy equipment.* Tin may be used to coat fluid milk shipping containers which are manufactured within the restrictions and in accordance with the provisions of Conservation Order M-200. The quantity of tin which may be used in the manufacture of dairy equipment other than fluid milk shipping containers by any person during any calendar quarter, beginning January 1, 1943, shall be limited to the quantity used by him for such purposes during the base period. Any dairy equipment may be retinned, provided only that the amount of tin which any retinner may use during any calendar quarter, beginning January 1, 1943, for the retinning of dairy equipment, shall be limited to 150% of the amount used by him for such purposes during the base period.

(10) *Kitchen, galley and mess equipment for the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Coast Guard and the Forest Service of the United States Depgrtment of Agriculture.* Tin may be used in the foregoing equipment excluding flat ware, to the extent required by the applicable specifications (including performance specifications, unless otherwise directed by the Director General for Operations) of the

service or agency to which such equipment is to be delivered.

(11) *Alloy for coating copper wire.* Alloys may be manufactured having a tin content not exceeding 12% by weight for coating copper wire where rubber insulation is in contact with the wire.

(12) *Coating foundry chaplets.* Alloys containing not more than 5% of tin by weight may be manufactured and used for coating foundry chaplets. Tin in no other form may be used for such coating.

(13) *Printing plates and type metal for use by the printing, publishing and related service industries.* Secondary tin only may be used in the manufacture of such plates and type metal. The quantity of secondary tin which any person may use in the manufacture of such plates and type metal during any calendar quarter, beginning January 1, 1943, shall be limited to 75% of the quantity of tin used by him for such purposes during the base period.

(14) *Tin pipe for use in the repair or maintenance of beverage dispensing units and parts thereof.* Tin pipe may be manufactured only for such purposes and provided that the customers for whom such pipe is manufactured shall return to the manufacturer a quantity of used pipe equal in tin content to that of the new pipe delivered to him.

(15) *Pipe organs for religious and educational institutions.* Tin may be used only in the repair or maintenance of such organs and only where and to the extent that the substitution of a less critical material is impossible.

(16) *Bolster metal for use in the manufacture of cutlery and surgical instruments for the Army or Navy of the United States, the United States Maritime Commission or the Coast Guard.* The tin content of such bolster metal shall not exceed 10% by weight and shall be derived from secondary tin only.

[F. R. Doc. 43-490; Filed, January 9, 1943; 11:41 a. m.]

PART 1068—TINPLATE AND TERNEPLATE

[Supplementary Order M-81-a]

Section 1068.2, *Supplementary Order M-81-a*, is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-491; Filed, January 9, 1943; 11:42 a. m.]

PART 1133—MOLYBDENUM

[General Preference Order M-110 as amended Jan. 9, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of molybdenum for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1133.1 *General Preference Order M-110*—(a) *Definition.* (1) "Molybdenum" means and includes:

(i) Ores and concentrates containing molybdenum (commercially recognized), and molybdenum compounds for further purification or refining;

(ii) The element molybdenum in pure form, ferromolybdenum, and all chemical or other combinations of the element molybdenum with other materials in manufactured or semimanufactured form, from which molybdenum is commercially recoverable, prepared either for further processing or for other purposes.

(iii) All scrap or secondary material containing commercially recoverable molybdenum as defined in (i) and (ii) above, excluding molybdenum-bearing iron and steel scrap.

(b) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(c) *Restrictions on deliveries and processing*—(1) *Allocations.* Hereafter no person shall make or accept delivery of molybdenum unless specifically authorized by the Director General for Operations. The Director will from time to time allocate the supply of molybdenum and specifically direct the manner and quantities in which deliveries to particular persons and for particular uses shall be made or withheld. The Director may also, in his discretion, require any person seeking to place a purchase order for molybdenum to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director General for Operations without regard to any preference ratings assigned to particular contracts or purchase orders.

(2) *Reports.* Unless otherwise ordered by the Director General for Operations, no person shall be entitled to receive an allocation of molybdenum unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the War Production Board reports on Forms PD-358 and PD-359, and an application for Molybdenum on Form PD-360, or in any case, on such other form as the War Production Board may from time to time prescribe, and in addition, shall have filed with any supplier with whom he may place a purchase order for Molybdenum, a copy of Form PD-360: *Provided, however,* That, subject to all the other provisions, restrictions and limitations of this order and until further order by the Director General for Operations, any person may receive deliveries during any calendar month up to but not exceeding an aggregate of 50 pounds contained molybdenum for consumption in the manufacture of nonmetallic products, without filing the reports required by this paragraph. Failure by any person to file an application and reports in the manner and on the date required by this paragraph may be construed as notice to the Director General for Operations and to all suppliers of molybdenum that such person does not desire an allocation of molybdenum during the period to which the same would have been applicable.

(3) *Processing restrictions.* Hereafter, no person shall melt or otherwise process molybdenum except pursuant to approval of his melting schedule under the provisions of Supplementary Order M-21-a, as the same may be from time to time amended, or pursuant to specific authorization by the Director General for Operations.

NOTE: Subparagraph (3) effective August 8, 1942.

(d) *Violations or false statements.* Any person who wilfully violates this order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order may be prohibited from receiving further deliveries of materials subject to allocation, and such further action may be taken as is deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(e) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Reference: M-110.

(f) *Effective dates.* This order shall take effect March 18, 1942, and shall continue in effect until revoked by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-492; Filed January 9, 1943; 11:43 a. m.]

PART 1142—DRY CELL BATTERIES AND PORTABLE LIGHTS OPERATED BY DRY CELL BATTERIES

[General Limitation Order L-71, as Amended January 9, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of various materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1142.1 *General Limitation Order L-71*—(a) *Definitions.* For the purposes of this order:

(1) "Dry cell battery" means any primary cell or assembly of cells in which the electrolyte is nonspillable and in which electric current is produced by electrochemical action.

(2) "Flashlight battery" means any dry cell battery designated as "D", "C", "BB", or "AA" in Table 4 of Circular C435 of the National Bureau of Standards, is-

sued February 18, 1942, when such battery is produced for use in a flashlight.

(3) "Railroad lantern battery" means any dry cell battery designated as "4F" in Table 4 of Circular C435 of the National Bureau of Standards, issued February 18, 1942.

(4) "Radio battery" means any dry cell battery designed and produced primarily for use with a radio set.

(5) "Hearing aid battery" means any dry cell battery designed and produced primarily for use in any hearing aid device for personal use.

(6) "Other dry cell battery" means any dry cell battery not included in subparagraphs (2), (3), (4) or (5) of this paragraph (a).

(7) "Flashlight" means any portable electric light operated by one or more flashlight batteries or a miniature dynamo.

(8) "Electric railroad lantern" means any portable electric light operated by a railroad lantern battery.

(9) "Other portable electric light" means any portable electric light operated by one or more dry cell batteries which is not included in subparagraphs (7) or (8) of this paragraph (a).

(10) The terms "flashlight," "electric railroad lantern," and "other portable electric light" shall not include any dry cell battery or lamp or bulb.

(11) "Manufacturer" means any person who manufactures or assembles any flashlight, electric railroad lantern or other portable electric light or any dry cell battery or container for holding assemblies of such batteries.

(12) "Class A manufacturer" means any one of the following manufacturers:

General Dry Batteries, Inc. of Cleveland, Ohio,

National Carbon Company, Inc. of New York, N. Y.,

Ray-O-Vac Company of Madison, Wisconsin,

(13) "Class B manufacturer" means any manufacturer of radio batteries not classified as a Class A manufacturer.

(14) "Class C manufacturer" means the following manufacturer:

National Carbon Company, Inc., of New York, N. Y.

(15) "Class D manufacturer" means any one of the following manufacturers:

Ray-O-Vac Company of Madison, Wisconsin,

United States Electric Manufacturing Corp., of New York, N. Y.,

Winchester Repeating Arms Company of New Haven, Connecticut.

(16) "Class E manufacturer" means any manufacturer of flashlight batteries not classified as a Class C or Class D manufacturer.

(17) "Class F manufacturer" means any one of the following manufacturers:

Bright Star Battery Company of Clifton, N. J.,

The Burgess Battery Company of Freeport, Illinois,

National Carbon Company, Inc., of New York, N. Y.,

Ray-O-Vac Company of Madison, Wisconsin,

United States Electric Manufacturing Corp. of New York, N. Y.,

Winchester Repeating Arms Company of New Haven, Connecticut.

(18) "Class G manufacturer" means any manufacturer of flashlights, electric railroad lanterns or other portable electric lights not classified as a Class F manufacturer.

(19) "Scarce material" means aluminum, crude rubber, chromium, cadmium, nickel, tin, copper or copper base alloy, zinc, iron or steel.

(20) "Transfer" means to sell, lease, trade, deliver, lend, ship or otherwise transfer.

(b) *Restrictions on use of materials.* (1) Except as provided in subparagraph (2) of this paragraph (b) and in paragraph (f), no manufacturer shall produce any dry cell battery, any container for holding assemblies of dry cell batteries, or any flashlight, railroad lantern or other portable electric light containing any scarce materials.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), any manufacturer may use in the production of flashlights, electric railroad lanterns, other portable electric lights or dry cell batteries the following materials:

(i) Tin contained in solder (in accordance with the provisions of Order M-43-a as amended);

(ii) Bare copper wire and copper wire coated with lead/tin alloy in accordance with the provisions of Order M-43-a, as amended (of the minimum size required to provide proper operation) for electrical conductors in dry cell batteries, and brass for plating any electrical contact;

(iii) Terneplate (in accordance with the provisions of Order M-21-e, as amended) in electrical conductors in dry cell batteries where a solderable coating is required;

(iv) Zinc for plating and in electrical contact fittings, and dry cell battery shells; and

(v) Iron and steel in any part of an electric railroad lantern or other portable electric light, and in the following parts of flashlights and dry cell batteries: reflectors, electrical contact fittings, switches, eyelets, rivets, screws, end caps, springs, end ferrules, lens rings and battery carbon caps; and in grommets and ferrules for containers for holding assemblies of dry cell batteries.

(c) *Restrictions on production of dry cell batteries.* Except as provided in paragraph (f) (1) no manufacturer shall produce any radio batteries other than:

(i) Batteries containing cells designated as "D", "E", "F", "G" or "J" in Table 1 of Circular C435 of the National Bureau of Standards, issued February 18, 1942, with the modifications permitted in section 2.2 of that Circular, and

(ii) C Batteries of the types described in Table 8 of Circular C435 of the National Bureau of Standards, issued February 18, 1942,

except that he may complete the assembly into batteries of any cells which were completed on or before October 2, 1942.

(2) During the period from October 1, 1942 to December 31, 1942, inclusive,

(i) No Class A manufacturer shall produce radio batteries containing more cells than three times 30% of the average monthly number of cells contained in the radio batteries produced by him during the year 1940;

(ii) No Class B manufacturer shall produce radio batteries containing more cells than three times 100% of the average monthly number of cells contained in the radio batteries produced by him during the year 1940;

(iii) No Class C manufacturer shall produce flashlight batteries containing more cells than three times 33⅓% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940;

(iv) No Class D manufacturer shall produce flashlight batteries containing more cells than three times 50% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940;

(v) No Class E manufacturer shall produce flashlight batteries containing more cells than three times 80% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940;

(vi) No manufacturer shall produce hearing aid batteries containing more cells than three times 150% of the average monthly number of cells contained in the hearing aid batteries produced by him during the year 1940;

(vii) No manufacturer shall produce railroad lantern batteries containing more cells than three times 130% of the average monthly number of cells contained in the railroad lantern batteries produced by him during the year 1940; and

(viii) No manufacturer shall produce other dry cell batteries containing more cells than three times 100% of the average monthly number of cells contained in the other dry cell batteries produced by him during the year 1940.

(3) During the period of three months beginning January 1, 1943, and during each succeeding period of three months,

(i) No Class A manufacturer shall produce radio batteries containing more cells than three times 30% of the average monthly number of cells contained in the radio batteries produced by him during the year 1940;

(ii) No Class B manufacturer shall produce radio batteries containing more cells than three times 100% of the average monthly number of cells contained in the radio batteries produced by him during the year 1940; and

(iii) No manufacturer shall produce:

(*a*) Railroad lantern batteries containing more cells than three times 130% of the average monthly number of cells

contained in the railroad lantern batteries produced by him during the year 1940; or

(b) Other dry cell batteries containing more cells than three times 100% of the average monthly number of cells contained in the other dry cell batteries produced by him during the year 1940.

(4) During the month of January 1943, and during each succeeding month thereafter until otherwise ordered:

(i) No Class C manufacturer shall produce flashlight batteries containing more cells than 25% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940;

(ii) No Class D manufacturer shall produce flashlight batteries containing more cells than 35% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940; and

(iii) No Class E manufacturer shall produce flashlight batteries containing more cells than 60% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940.

(d) *Restrictions on hearing aid batteries.* No manufacturer shall produce any hearing aid batteries except as follows:

(1) On or before January 15, 1943, each manufacturer shall file with the War Production Board in triplicate a statement containing his proposed production schedule for hearing aid batteries for the period of three months beginning January 1, 1943. A manufacturer may produce hearing aid batteries prior to the filing of such production schedule: *Provided*, That such production is included in his production schedule.

(2) On or before March 15, 1943, and on or before the 15th day of each third succeeding calendar month thereafter, each manufacturer shall file with the War Production Board a statement in writing in triplicate containing his proposed production schedules for hearing aid batteries for the period of three calendar months following the month in which such statement is filed.

(3) The Director General for Operations shall notify manufacturers of his approval or disapproval of the production and delivery schedules for each period of three months. The Director General for Operations may at any time change any schedule, or prescribe any other schedule for production, regardless of whether the schedule for such period or any part thereof has been reported by the manufacturer or theretofore authorized by the Director General for Operations. On and after January 20, 1943, no manufacturer shall produce any hearing aid batteries except in accordance with production schedules authorized by the Director General for Operations pursuant to this paragraph (d) (3).

(e) *Restrictions on flashlights, electric railroad lanterns and other portable electric lights.* Except as provided in paragraph (f),

(1) No Class F manufacturer shall produce any flashlight, electric railroad lantern or other portable electric light, except that with the specific authorization of the Director General for Operations he may produce flashlights approved by the United States Bureau of Mines or other explosion-proof flashlights.

(2) No Class G manufacturer shall produce during the period of three months beginning January 1, 1943, and during each succeeding period of three months, until otherwise ordered,

(i) More flashlights than three times 60% of the monthly average number of flashlights produced by him during the year 1940;

(ii) Mor electric railroad lanterns than three times 100% of the monthly average number of electric railroad lanterns produced by him during the year 1940; or

(iii) More other portable electric lights than three times 60% of the average monthly number of other portable electric lights produced by him during the year 1940.

(3) No manufacturer shall transfer any new flashlight, new electric railroad lantern or any new other portable electric light, except in fulfillment of a purchase order or contract bearing a preference rating of A-9 or higher.

(f) *Governmental exemptions.* The provisions of paragraphs (b), (c), and (e) shall not apply to the production or transfer of any article in fulfillment of a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Office of Scientific Research and Development, or the government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(g) *Provisions for companies under common ownership.* For the purposes of this order a Class A, B, C, D, E, F or G Manufacturer shall include all subsidiaries, affiliates or other companies or enterprises under common ownership or control.

(h) *Applicability of other orders.* On and after October 2, 1942, the provisions of Conservation Order No. M-11-b, limiting the use of zinc, shall no longer apply to manufacturers of dry cell batteries in the manufacture of such batteries but shall be superseded by the provisions of this order. In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations limits the use of any material in the production of flashlights, electric railroad lanterns or other portable electric lights or dry cell batteries or containers for holding assemblies of such batteries to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of flashlights, electric railroad lanterns or other portable electric lights, or dry cell batteries or containers for holding assemblies of such batteries, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(l) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(m) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(n) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(o) *Appeals.* Any person affected by this order who considers that it works an exceptional or unreasonable hardship upon him may apply for relief by forwarding a letter addressed to the War Production Board, Ref: L-71, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Ref: L-71.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R.

329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-481; Filed, January 9, 1943; 11:41 a. m.]

PART 1184—QUININE AND OTHER DRUGS EXTRACTED FROM CINCHONA BARK

[Conservation Order M-131, as Amended January 9, 1943]

Section 1184.1 *Conservation Order M-131* is hereby amended to read as follows:

§ 1184.1 *Conservation Order M-131*—(a) *Definitions.* For the purposes of this order:

(1) "Quinine" means quinine alkaloid extracted from Cinchona bark, and the quinine salts derived from quinine alkaloid.

(2) "Cinchona bark" means the bark obtained from Cinchona Succirubra P. et K. Calisaya W; C. Ledgeriana N. et T., also known as Calisaya, Peruvian or Jesuit's bark, and from its hybrids.

(3) "Totaquine" means a mixture of alkaloids from the bark of Cinchona Succirubra Pavon and other species of Cinchona, which mixture meets the standards of the United States Pharmacopeia.

(4) "Anti-malarial agent" means any product or material which according to modern medical opinion, is recognized as a specific for suppression, alleviation or cure of malarial infections.

(b) *Restrictions on the purchase, sale and use of quinine, totaquine and cinchona bark.* (1) No person shall sell, transfer or deliver, or purchase or accept any transfer or delivery of, or process or combine with other materials:

(i) Any quinine, except for use as an anti-malarial agent, and then only in ampoule form, uncombined with ingredients other than necessary solvent and preservative, or in powder, 5-grain tablet, or 5-grain capsule form, uncombined with ingredients other than necessary fillers and excipients: *Provided, however,* That licensed pharmacists may compound quinine in any form, upon individual prescriptions written by licensed physicians for quinine as an anti-malarial agent;

(ii) Any totaquine, except for use as an anti-malarial agent;

(iii) Any cinchona bark; except for primary use for the manufacture of quinine sulphate USP, quinine hydrochloride USP, quinine dihydrochloride USP, or totaquine USP.

(2) Except in the case of a sale, transfer or delivery to an ultimate consumer, no person shall sell, transfer or deliver any quinine, totaquine or cinchona bark, except upon receipt of a certificate manually signed by the person purchasing or accepting transfer or delivery or a duly authorized official, in substantially the following form, and specifying on the reverse side the quantity involved in the transaction:

(In the case of quinine)

I hereby certify that the quinine ordered hereby (specify quantity on reverse side) is for use as an anti-malarial agent, and will not be sold, transferred or delivered by me for any other purpose. This cetification is made in accordance with the terms of Conservation Order M-131, as amended, with which I am familiar.

Name _____
By _____

(In the case of totaquine)

I hereby certify that the totaquine (or product containing totaquine) ordered hereby (specify quantity on reverse side) is for use as an anti-malarial agent and will not be sold, transferred or delivered by me for any other purpose. This certification is made in accordance with the terms of Conservation Order M-131, as amended, with which I am familiar.

Name _____
By _____

(In the case of cinchona bark)

I hereby certify that the cinchona bark ordered hereby (specify quantity on reverse side) is for primary use for manufacture of quinine or totaquine, and will not be sold, transferred or delivered by me for any other purpose. This certification is made in accordance with the terms of Conservation Order M-131, as amended, with which I am familiar.

Name _____
By _____

Such certification shall constitute a representation to the War Production Board and the seller or supplier of the facts stated therein. The seller or supplier shall be entitled to rely on such representation unless he knows or has reason to believe it to be false. Any person making such certification shall use such quinine, totaquine or cinchona bark only for the purposes permitted by this order. Such certificates shall be filed with the person making delivery and not with the War Production Board.

(c) *Applicability of order.* The restrictions and provisions of this order shall not apply to:

(1) Any stock of cinchona bark consisting of less than 50 pounds, physically located at any one place on April 30, 1942.

(2) Purchases by importers of quinine, totaquine, or cinchona bark to be delivered from outside the continental United States: *Provided,* That any subsequent dealing in such materials after their importation is governed by this order.

(3) Any transaction affecting, or any use of, any quinine which on April 4, 1942, or totaquine or cinchona bark which on April 30, 1942, had been combined or compounded with other medicinal agents; but any transaction affecting or any use of, any quinine, totaquine, or cinchona bark, which has been combined or compounded with other medicinal agents after said dates is governed by this order.

(4) Any transaction affecting, or any use of, any quinine and urea hydrochioride (U.S.P.) or quinine hydrochloride and urethane which had been compounded on January 9, 1943.

(d) *Reports.* All persons affected by this order shall file such reports as may be required from time to time by the Director General for Operations.

(e) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Drugs and Cosmetics Section, Chemicals Division, Washington, D. C. Ref.: M-131.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-482; Filed, January 9, 1943; 11:41 a. m.]

PART 1194—CANS MADE OF BLACKPLATE

[Conservation Order M-136]

Section 1194.1, *Conservation Order M-136,* is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-483; Filed, January 9, 1943; 11:43 a. m.]

PART 1232—ACRYLONITRILE

[General Preference Order M–153 as Amended Jan. 9, 1943]

Section 1232.1 is hereby amended in its entirety to read as follows:

§ 1232.1 *General Preference Order M–153*—(a) *Definitions.* For the purpose of this order:

(1) "Acrylonitrile" means acrylonitrile (vinyl cyanide) in any form and from whatever source derived.

(2) "Producer" means any person engaged in the production of acrylonitrile, including any person who has acrylonitrile produced for him pursuant to toll agreement, and excluding any person who produces acrylonitrile for another person pursuant to toll agreement.

(b) *Restrictions on use and delivery of acrylonitrile.* (1) No producer shall use or deliver acrylonitrile, and no person shall accept delivery of acrylonitrile from a producer, except as follows:

(i) As specifically authorized by the Director General for Operations upon application pursuant to paragraph (d); or

(ii) As specifically authorized by the Director General for Operations pursuant to the terms of this order as in effect prior to January 9, 1943; or

(iii) As provided in paragraph (c).

(2) Each person authorized to accept delivery of acrylonitrile shall use such acrylonitrile for the purpose authorized, except as otherwise specifically directed by the Director General for Operations.

(3) The Director General for Operations at his discretion may at any time issue special directions to any person with respect to the use, delivery or transportation of acrylonitrile by such person, or of products made from acrylonitrile allocated to such person, notwithstanding the provisions of paragraph (c) hereof, or may issue special directions to any producer with respect to the kinds of acrylonitrile which he may or must manufacture.

(c) *Small order exemption.* (1) Any person may accept delivery of, and any producer may use 50 pounds or less of acrylonitrile in the aggregate during any one calendar month without specific authorization: *Provided,* That such person (or producer) has not been specifically authorized to use or accept delivery of any quantity of acrylonitrile during such month.

(2) Any producer may deliver acrylonitrile without specific authorization under this order to any person entitled to accept delivery pursuant to this paragraph, *Provided,* That:

(i) No producer shall deliver an aggregate amount of acrylonitrile in any one calendar month pursuant to this paragraph in excess of ¼ of 1% of the amount of acrylonitrile which he is specifically authorized to deliver during such month; and

(ii) No producer shall make deliveries during any month pursuant to this paragraph if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month; and

(iii) Any producer may make deliveries pursuant to this paragraph without regard to preference ratings.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of acrylonitrile, and each producer seeking to use acrylonitrile during any calendar month, shall file application on Form PD–600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD–600. Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

Time. Application shall be made on or before the 15th day of the month preceding the month for which authorization for use or delivery is sought.

Number of copies. Five copies shall be prepared of which one (in which columns 4 through 23 inclusive may be left blank) shall be forwarded to the producer, and three certified completely filled out copies to the War Production Board, Chemicals Division, Washington, D. C., Ref. M–153.

Number of sets. A separate set of PD–600 application forms shall be submitted for each preferred supplier and each different delivery destination or plant of the applicant. Preferred supplier is the producer from whom the applicant has regularly procured, or prefers to procure, acrylonitrile.

Heading. Under name of chemical, specify acrylonitrile; under War Production Board order number, specify M–153; under unit of measure, specify pounds; under name of company, specify name and mailing address of applicant; and specify delivery destination, supplier, and his shipping point (where producer is seeking authorization to use his own stock, write in under supplier "own stock").

Table I. Specify in the heading the month and year for which authorization for use or acceptance of delivery is sought.

Column 1. Leave blank.

Column 2. Specify separately quantities in pounds requested for each primary product and product use.

Column 3. Specify primary product as follows:

Oil resistant synthetic rubber.
Other (specify).

Column 4. Where the primary product specified in Column 3 is under direct allocation, specify the allocation order number in column 4 (in the case of synthetic rubber, order M–13). If the primary product is not under direct allocation, describe end use in column 4.

Columns 5, 6, 7, 8, 9, and 10. Leave blank.

Tables II and III. Fill in as indicated but leave columns 11 and 19 blank.

Table IV. Leave blank.

Additional space. Where additional space is needed, continue on reverse side of sheet, identifying subject matter by column number.

(2) Each producer seeking authorization to make delivery of acrylonitrile during any calendar month shall file application on Form PD–601, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD–601. Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

Time. Producers shall apply on Form PD–601 on or before the 20th day of the month preceding the month for which authorization to make delivery is requested.

Number of copies. Four copies shall be prepared, of which three certified copies shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Ref. M–153.

Number of sets. Each producer shall file a separate set of PD–601 reports for each of his plants.

Heading. Under name of chemical, specify acrylonitrile, under War Production Board Order number, specify M–153; under name of company, state name and mailing address; specify delivery month; and under unit of measure, specify pounds.

Table I. All customers shall be listed here who have filed Form PD–600 with the applicant. Fill in this table as indicated, but leave columns 3, 5, 6, and 7 blank.

Table II. Fill in as indicated, but leave columns 8, 15, and 16 blank.

(3) Each producer shall notify the War Production Board of the cancellation or postponement for more than a month of any authorized delivery, or of inability to make any authorized delivery, as soon as possible after he has notice of such fact.

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special instructions to any such person with respect to preparing and filing Forms PD–600 and PD–601.

(e) *Notification of customers.* Each producer shall notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order to the extent that it is inconsistent herewith.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M–153.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–484; Filed, January 9, 1943; 11:42 a. m.]

PART 1233—THERMOPLASTICS

[Preference Order M-154, as Amended January 9, 1943]

Section 1233.1 is hereby amended in its entirety to read as follows:

§ 1233.1 *Preference Order No. M-154*—(a) *Definitions.* For the purpose of this order "thermoplastics" means the synthetic resins and cellulose derivatives listed below, whether plasticized or unplasticized (except in the case of ethyl cellulose and cellulose nitrate), in their various primary unfabricated forms such as sheets, rods, tubes, shapes, slabs, pellets, powder, solutions, emulsions, and flake, and whether virgin or scrap, but not including yarn or textiles, or coated or substrated photographic film or film scrap:

(i) Cellulose acetate butyrate.

(ii) Cellulose acetate.

(iii) Plasticized cellulose nitrate, except that used in explosives and protective coatings.

(iv) Plasticized ethyl cellulose.

(v) Polymers of styrene.

(b) *Restriction on use.* No person shall use thermoplastics in the manufacture of articles set forth in Exhibit A annexed hereto, regardless of preference ratings, except thermoplastics which were in his inventory prior to June 27, 1942, or which were in process of manufacture into such articles prior to June 27, 1942.

(c) *War use exemption.* Nothing contained in paragraph (b) above shall apply to use of thermoplastics by the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration, or by any person pursuant to the terms of any contract or order for thermoplastics or articles made therefrom where such thermoplastics or articles are to be delivered to, or incorporated into products to be delivered to the aforesaid agencies, provided that such use is expressly made subject to war use exemption in Exhibit A annexed hereto.

(d) *Scrap exemption.* The provisions of paragraph (b) above shall not apply to use of scrap resulting from the processing or fabrication of thermoplastics if:

(1) Such scrap is not of a quality to permit its re-use in the operation or product from which it was obtained, and

(2) The quantity of such scrap does not exceed 15 per cent of the quantity of thermoplastics from which it was obtained.

Each person selling scrap subject to this exemption shall so certify in writing to the purchaser, and such purchaser shall be entitled to rely upon such representation in the absence of knowledge to the contrary.

(e) *Notification of customers.* Producers of thermoplastics shall as soon as practicable notify each of their regular customers of the requirement of this order and of all amendments thereto but failure to receive such notice shall not excuse any such person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Effect of other orders.* Nothing in this order contained shall be construed to permit the manufacture of any item or of units of any item if the manufacture of said item has been prohibited or curtailed by the terms of any other order of the Director General for Operations, heretofore or hereafter issued.

(3) *Reports.* Each person affected by this order shall filed such reports as may from time to time be required by the Director General for Operations.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making, or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Relief.* Appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(6) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref: M-154.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

Clothing items:
- Belts, except utility belt buckles of minimum functional weight (war use exemption)
- Costume jewelry and jewelry, except that hand-fabricated from sheet, rod and tube where the consumption of thermoplastic per day per employee engaged in handcraft production does not exceed 3 pounds
- Decorative plastic stitching
- Dress spangles
- Gems
- Handbag components, except frames and handbag cement
- Millinery and hats
- Shoe heels, all plastic
- Shoe trimmings
- Shoe uppers, woven
- Umbrella handles

Commercial items:
- Amusement machines and parts
- Artificial flowers, florists' supplies and flower pots
- Badges, emblems and campaign buttons (war use exemption)
- Barber shop lather dispensers
- Calendar cards
- Caskets, decorative parts:
  - Tips and lugs
  - Handle and caps
  - Corner pieces
- Displays:
  - Advertising printing
  - Containers and packages
  - Fixtures, mannequins and hosiery forms, etc.
  - Signs (war use exemption)
- Door sills
- Greeting cards and components
- Handles for carpenter tools, except screw drivers and chisels (war use exemption)
- Jewelry and watch boxes
- Massaging machine parts
- Name plates (war use exemption)
- Plaques for display or decorative use
- Plastic book-binding—comb or spiral type (war use exemption)
- Price tags—except for meat and dairy products
- Restaurant and coin-operated phonograph parts
- Soda fountain and beverage dispensing accessories:
  - Beer scrapers
  - Beverage stirrers
  - Drinking straws
  - Faucet handles and knobs (war use exemption, for use on board ship only)
- Stationery supplies:
  - Desk sets
  - Ink stands
  - Ink wells
  - Pocket pencil sharpeners
  - Rulers

Household items:
- Baby carriage parts
- Bathroom fixtures
  - Accessories (war use exemption, for use on board ship only)
  - Laundry hampers
  - Soap dishes (war use exemption)
  - Toilet seats, all plastic
  - Toilet seats, plastic covered, for private housing
  - Towel bars (war use exemption)
- Book ends
- Bowls (war use exemption)
- Broom fittings and dust pans
- Candle sticks
- Chime shields
- Christmas tree ornaments and Christmas lighting fixtures
- Clock cases (war use exemption)
- Closet accessories
  - Clothes hangers
  - Hat boxes
  - Hat stands
  - Shoe horns
  - Shoe trees
  - Tie racks
- Coin banks
- Curtain fixtures and window shade pulls (war use exemption, for curtain fixtures for use on board ship only)
- Cutlery boxes (war use exemption)
- Cutlery handles, table and kitchen (war use exemption)
- Jigger cups
- Musical instruments—decorative parts
- Napkin rings
- Picture and mirror frames (war use exemption)
- Place card holders
- Salt and pepper shakers and tops (war use exemption)
- Sculptured pieces
- Storm sash and windows (war use exemption)
- Syphon for carbonated water
- Table mats, coasters, and table ornaments
- Traveling bags, baggage, and handles therefor (war use exemption)
- Trays (war use exemption)
- Window lifts

Novelties:
Advertising and miscellaneous novelties
Calendar cards
Pencils
Rulers
Premium items
Personal items:
Artificial finger nails
Binoculars and their parts an opera glasses (war use exemption)
Billfolds and pass cases (war use exemption)
Combs
Combination combs
Combs with attachments (war use exemption)
Combs with plastic cases (war use exemption)
Fancy side, back or tuck combs, using more material than functionaliy necessary
Handle combs
Cosmetic accessories
Illuminated vanity cases
Vanity cases larger than 2 inch diameter or 2 inch square
Games and toys
Glove fasteners (war use exemption)
Hair bands
Playing cards (war use exemption)
Razor boxes (war use exemption)
Razor sharpeners (war use exemption)
Smokers' :pplies
Ash trays
Cigarette and cigar holders and cases (war use exemption)
Cigarette boxes
Match cases (war use exemption)
Pipe cases
Toilet sets, except three-piece sets of mirror, brush and comb

[F. R. Doc. 43-485; Filed, January 9, 1943; 11:42 a. m.]

PART 1273—STYRENE

[General Preference Order M-170 as Amended Jan. 9, 1943]

Section 1273.1 is hereby amended in its entirety to read as follows:

§ 1273.1 *General Preference Order M-170*—(a) *Definitions.* For the purpose of this order:

(1) "Styrene" means styrene (vinyl benzene) in any form and from whatever source derived.

(2) "Producer" means any person engaged in the production of styrene, including any person who has styrene produced for him pursuant to toll agreement, and excluding any person who produces styrene for another person pursuant to toll agreement.

(b) *Restrictions on use and delivery of styrene.* (1) No producer shall use or deliver styrene, and no person shall accept delivery of styrene from a producer, except as follows:

(i) As specifically authorized by the Director General for Operations upon application pursuant to paragraph (d); or

(ii) As specifically authorized by the Director General for Operations pursuant to the terms of this order as in effect prior to January 9, 1943; or

(iii) As provided in paragraph (c).

(2) Each person authorized to accept delivery of styrene shall use such styrene for the purpose authorized, except as otherwise specifically directed by the Director General for Operations.

(3) The Director General for Operations at his discretion may at any time issue special directions to any person with respect to the use, delivery or transportation of styrene by such person, or of products made from styrene allocated to such person, notwithstanding the provisions of paragraph (c) hereof, or may issue special directions to any producer with respect to the kinds of styrene which he may or must manufacture.

(c) *Small order exemption.* (1) Any person may accept delivery of, and any producer may use 50 pounds or less of styrene in the aggregate during any one calendar month without specific authorization, providing that such person (or producer) has not been specifically authorized to use or accept delivery of any quantity of styrene during such month.

(2) Any producer may deliver styrene without specific authorization under this order to any person entitled to accept delivery pursuant to this paragraph, *Provided*, That:

(i) No producer shall deliver an aggregate amount of styrene in any one calendar month pursuant to this paragraph in excess of ¼ of 1% of the amount of styrene which he is specifically authorized to deliver during such month; and

(ii) No producer shall make deliveries during any month pursuant to this paragraph if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month; and

(iii) Any producer may make deliveries pursuant to this paragraph without regard to preference ratings.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of styrene and each producer seeking to use styrene during any calendar month, shall file application on Form PD-600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-600. Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

Time. Application shall be made on or before the 15th day of the month preceding the month for which authorization for use or delivery is sought.

Number of copies. Five copies shall be prepared of which one (in which columns 4 through 23 inclusive may be left blank) shall be forwarded to the producer, and three certified completely filled out copies to the War Production Board, Chemicals Division, Washington, D. C., Ref. M-170.

Number of sets. A separate set of PD-600 application forms shall be submitted for each preferred supplier and each different delivery destination or plant of the applicant. Preferred supplier is the producer from whom the applicant has regularly procured, or prefers to procure, styrene.

Heading. Under name of chemical, specify styrene; under War Production Board order number, specify M-170; under unit of measure, specify pounds; under name of company, specify name and mailing address of applicant; and specify delivery destination, supplier, and his shipping point (where producer is seeking authorization to use his own stock, write in under supplier "own stock").

Table I. Specify in the heading the month and year for which authorization for use or acceptance of delivery is sought.

Column 1. Leave blank.

Column 2. Specify separately quantities in pounds requested for each primary product and product use.

Column 3. Specify primary product as follows:

Non-oil resistant synthetic rubber.
Poly-styrene.
Other (specify).

Column 4. Where the primary product specified in Column 3 is under direct allocation, specify the allocation order number in column 4 (in the case of synthetic rubber, order M-13). If the primary product is not under direct allocation, describe end use in column 4.

Columns 5, 6, 7, 8, 9, and 10. Leave blank.

Tables II and III. Fill in as indicated but leave columns 11 and 19 blank.

Table IV. Leave blank.

Additional space. Where additional space is needed, continue on reverse side of sheet, identifying subject matter by column number.

(2) Each producer seeking authorization to make delivery of styrene during any calendar month shall file application on Form PD-601, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-601. Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

Time. Producers shall apply on Form PD-601 on or before the 20th day of the month preceding the month for which authorization to make delivery is requested.

Number of copies. Four copies shall be prepared, of which three certified copies shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Ref. M-170.

Number of sets. Each producer shall file a separate set of PD-601 reports for each of his plants.

Heading. Under name of chemical, specify styrene, under War Production Board Order Number, specify M-170; under name of company, state name and mailing address; specify delivery month; and under unit of measure, specify pounds.

Table I. All customers shall be listed here who have filed Form PD-600 with the applicant. Fill in this table as indicated, but leave columns 3, 5, 6, and 7 blank.

Table II. Fill in as indicated, but leave columns 8, 15, and 16 blank.

(3) Each producer shall notify the War Production Board of the cancellation or postponement for more than a month of any authorized delivery or of inability to make any authorized delivery as soon as possible after he has notice of such fact.

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special instructions to any such person with respect to preparing and filing Forms PD-600 and PD-601.

(e) *Notification of customers.* Each producer shall notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order

to the extent that it is inconsistent herewith.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M–170.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–486; Filed, January 9, 1943; 11:42 a. m.]

PART 1285—BUTADIENE

[General Preference Order M–178 as Amended Jan. 9, 1943]

Section 1285.1 is hereby amended in its entirety to read as follows:

§ 1285.1 *General Preference Order M–178*—(a) *Definitions.* For the purpose of this order:

(1) "Butadiene" means butadiene in any form and from whatever source derived.

(2) "Producer" means any person engaged in the production of butadiene, including any person who has butadiene produced for him pursuant to toll agreement, and excluding any person who produces butadiene for another person pursuant to toll agreement. The term producer shall not include any person producing less than 5 tons of butadiene per month.

(b) *Restrictions on use and delivery of butadiene.* (1) No producer shall use or deliver butadiene, and no person shall accept delivery of butadiene from a producer, except as follows:

(i) As specifically authorized by the Director General for Operations upon application pursuant to paragraph (d); or

(ii) As specifically authorized by the Director General for Operations pursuant to the terms of this order as in effect prior to January 9, 1943; or

(iii) As provided in paragraph (c).

(2) Each person authorized to accept delivery of butadiene shall use such butadiene for the purpose authorized, except as otherwise specifically directed by the Director General for Operations.

(3) The Director General for Operations at his discretion may at any time issue special directions to any person with respect to the use, delivery or transportation of butadiene by such person, or of products made from butadiene allocated to such person, notwithstanding the provisions of paragraph (c) hereof, or may issue special directions to any producer with respect to the kinds of butadiene which he may or must manufacture.

(c) *Small order exemption.* (1) Any person may accept delivery of (from producers as defined), and any producer may use 125 pounds or less of butadiene in the aggregate during any one calendar month without specific authorization, providing that such person (or producer) has not been specifically authorized to use or accept delivery of any quantity of butadiene during such month.

(2) Any producer may deliver butadiene without specific authorization under this order to any person entitled to accept delivery pursuant to this paragraph, *Provided That:*

(i) No producer shall deliver an aggregate amount of butadiene in any one calendar month pursuant to this paragraph in excess of ¼ of 1% of the amount of butadiene which he is specifically authorized to deliver during such month; and

(ii) No producer shall make deliveries during any month pursuant to this paragraph if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month; and

(iii) Any producer may make deliveries pursuant to this paragraph without regard to preference ratings.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of butadiene and each producer seeking to use butadiene during any calendar month, shall file application on Form PD–600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD–600. Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

Time. Application shall be made on or before the 15th day of the month preceding the month for which authorization for use or delivery is sought.

Number of copies. Five copies shall be prepared of which one (in which columns 4 through 23 inclusive may be left blank) shall be forwarded to the producer, and three certified completely filled out copies to the War Production Board, Chemicals Division, Washington, D. C., Ref. M–178.

Number of sets. A separate set of PD–600 application forms shall be submitted for each preferred supplier and each different delivery destination or plant of the applicant. Preferred supplier is the producer from whom the applicant has regularly procured, or prefers to procure, butadiene.

Heading. Under name of chemical, specify butadiene; under War Production Board Order Number, specify M–178; under unit of measure, specify pounds; under name of company, specify name and mailing address of applicant; and specify delivery destination, supplier, and his shipping point (where producer is seeking authorization to use his own stock, write in under supplier "own stock").

Table I. Specify in the heading the month and year for which authorization for use or acceptance of delivery is sought.

Column 1. Leave blank.

Column 2. Specify separately quantities in pounds requested for each primary product and product use.

Column 3. Specify primary product as follows:

Non-oil resistant synthetic rubber.
Other (specify).

Column 4. Where the primary product specified in Column 3 is under direct allocation, specify the allocation order number in column 4 (in the case of synthetic rubber, Order M–13). If the primary product is not under direct allocation, describe end use in column 4.

Columns 5, 6, 7, 8, 9, and 10. Leave blank.

Tables II and III. Fill in as indicated, but leave columns 11 and 19 blank.

Table IV. Leave blank.

Additional space. Where additional space is needed, continue on reverse side of sheet, identifying subject matter by column number.

(2) Each producer seeking authorization to make delivery of butadiene during any calendar month shall file application on Form PD–601, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD–601. Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

Time. Producers shall apply on Form PD–601 on or before the 20th day of the month preceding the month for which authorization to make delivery is requested.

Number of copies. Four copies shall be prepared, of which three certified copies shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Ref. M–178.

Number of sets. Each producer shall file a separate set of PD–601 reports for each of his plants.

Heading. Under name of chemical, specify butadiene; under War Production Board Order Number, specify M–178; under name of company, state name and mailing address; specify delivery month; and under unit of measure, specify pounds.

Table I. All customers shall be listed here who have filed Form PD–600 with the applicant. Fill in this table as indicated, but leave columns 3, 5, 6, and 7 blank.

Table II. Fill in as indicated, but leave columns 8, 15, and 16 blank.

(3) Each producer shall notify the War Production Board of the cancellation or postponement for more than a month of any authorized delivery, or of inability to make any authorized delivery, as soon as possible after he has notice of such fact.

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special instructions to any such person with respect to preparing and filing Forms PD–600 and PD–601.

(e) *Notification of customers.* Each producer shall notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order to the extent that it is inconsistent herewith.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M–178.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–477; Filed, January 9, 1943; 11:41 a. m.]

PART 3054—CATTLE TAIL HAIR

[General Conservation Order M–210, as Amended Jan. 9, 1943]

Section 3054.1 *General Conservation Order M–210* is hereby amended to read as follows:

§ 3054.1 *General Conservation Order M–210*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of Priorities Regulations of the War Production Board, as amended from time to time.

(b) *Definition.* For the purposes of this order "cattle tail hair" means the hair clipped or otherwise removed from the tails or switches of cattle, including calves and oxen, whether imported or domestic, new or reclaimed, of original color or dyed, washed or unwashed, and includes all such hair mixed in combination with other hair or fiber in any percentage which is not physically incorporated into any product, but does not include used hair, unless and until it has been reclaimed, or imported drawn and dressed hair.

(c) *Sales and deliveries.* No person shall sell or deliver any cattle tail hair except to a manufacturer of cattle tail hair products. This restriction shall not apply to deliveries to or by any person having temporary custody of cattle tail hair for the purpose of transportation or public warehousing.

(d) *Processing and use.* No person shall process or use any cattle tail hair except to manufacture products containing a cattle tail hair mixture of not more than 50% cattle tail hair to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(e) *Importation.* Nothing in this order shall be construed to restrict the importation of cattle tail hair, which shall be made in conformity with the provisions of General Imports Order M–63, as amended from time to time.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference: M–210.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–478; Filed, January 9, 1943; 11:43 a. m.]

PART 3058—USED CONSTRUCTION EQUIPMENT

[Limitation Order L–196, as Amended January 9, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rubber and other materials used in the production of construction equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3058.1 *Limitation Order L–196*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Inapplicability of this order.* This order shall not apply to the Army, Navy, Maritime Commission or to any person or agency who has acquired used construction equipment for export outside the continental limits of the United States.

(c) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, except those excluded by paragraph (b) hereof.

(2) "Construction equipment" means any of those products listed in Schedule A attached hereto and made a part of this order.

(3) "Used" when applied to construction equipment, means any construction equipment which has been delivered to an ultimate consumer.

(4) "Continental limits of the United States" means the forty-eight states of the United States and the District of Columbia.

(d) *Registration of used construction equipment.* Any person owning used construction equipment purchased prior to October 1, 1942, shall on or before October 31, 1942, register such equipment by completing, signing and returning by mail WPB Form 1159 to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which such equipment is located.

(e) *Registration of change of status of used construction equipment.* Within one week after any used construction equipment (1) is moved from the project on which it is being used; (2) becomes idle after completing its work on that project even if not moved from the project; (3) not being on a project is put into use on a project; or (4) has had its ownership changed, any person owning such equipment shall register such change of status by completing, signing and returning by mail WPB Form 1333 or such other form as may be in the future specified by the Director General for Operations to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which such equipment is located.

(f) *Restrictions on exports.* (1) On and after January 16, 1943, no person, other than the Army, Navy, Maritime Commission, War Shipping Administration or their authorized agents, shall export used construction equipment outside the Continental limits of the United States unless specifically authorized by the Director General for Operations.

(2) Application for permission to export shall be made in quadruplicate on Form PD–556 to the War Production Board, Washington, D. C., Ref.: L–196. Such applications when approved by the Director General for Operations and returned to the applicant shall constitute an authorization to export.

(3) Nothing in this order shall eliminate the necessity of an applicant obtaining an export license from the Office of Export Control, Board of Economic Warfare where required.

NOTE: Paragraphs (g), (h), (i), (j), and (k) formerly (f), (g), (h), (i) and (j).

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning the movement of used construction equipment from projects.

(h) *Audit and inspection.* All records required to be kept by this order, shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board Regional Office in the region in which the equipment is located setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action, if any, as he deems appropriate by the amendment of this order or otherwise.

(k) *Communications.* All communications concerning this order shall be addressed to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which the equipment is located.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January, 1943.

ERNEST KANZLE
Director General for Operations.

SCHEDULE A

NOTE: Amended January 9, 1943.

Angledozers and modifications thereof.
Batchers,[1] construction material.
Batching plants, construction type, portable.
Batching plants,[1] construction type, stationary as one unit.
Bins, construction materials, portable.
Bins,[1] construction material, stationary.
Brooms, contractors rotary.
Buckets,[2] clamshell.
Buckets,[2] concrete.
Buckets,[2] dragline.
Buckets,[2] orange peel.
Buckets,[2] scraper (bottomless) for dragline operation.
Buggies & carts, concrete, hand operated.
Buggies & carts, concrete, power propelled.
Bulldozers and modifications thereof.
Center line markers, power driven.
Compressors, portable air, 120 cu. ft. & over.
Concrete surfacing machines.
Conveyors,[1] construction material, except when part of a portable crushing plant.
Cranes, crawler mounted power.
Cranes, rubber tired mounted power.
Cranes, tractor mounted power.
Crushers,[1] construction material, cone and gyratory, portable type.
Crushers,[1] jaw and roll, portable type.
Crushing plants, stationary and portable type.
Derricks,[1] guy.
Derricks,[1] stiff leg.
Discs, road.
Distributors, bituminous.
Ditchers, blade.
Ditchers, ladder.
Ditchers, wheel.
Draglines, *see* Cranes.
Draglines,[1] slack line.
Draglines, walking.
Dredges [1] & dredge equipment.
Drills, jack hammer.
Drills, rock, except portable mounted.
Drilling machines, blast hole drills.
Drilling machines, core drills.
Drilling machines, rock, portable mounted.
Drilling machines, portable well.
Dryers,[1] construction aggregate.
Earth boring machines.
Excavators, *see* power shovels.
Finegraders and subgraders, self-propelled.
Finishing and rolling machines for concrete slab in plastic state.
Finishers, bituminous paving.
Finishers, concrete.
Forms, concrete road.
Form tamping machines.
Graders, earth moving, blade and pull type.
Graders, earth moving, elevating.
Graders, earth moving, self-propelled.
Graders, earth moving, under truck type.
Hammers, pile.
Heaters and circulators, tank car.
Heaters, asphalt surface.
Hoists,[1] contractors.
Hoppers, portable concrete.
Jacks, mud.
Kettles, bituminous heating.
Loaders, portable bucket (other than coal).
Loaders, portable snow.
Maintainers, road and shoulder.
Mixers, agitator, concrete truck type with or without elevating towers.
Mixers,[1] bituminous, cold and hot mix type; 10 ton per hour capacity or more.
Mixers,[1] concrete construction.
Pavers, concrete.
Paving breakers.
Plants, asphalt, portable and stationary.
Plants, stabilizing.
Plants, concrete.
Plows, cable laying.
Plows, snow, V or blade type, truck, tractor or grader mounted.
Plows, rotary type.
Power control units for tractors both cable and hydraulic.
Pumps, concrete.
Pumps, dewatering & supply, larger than 90 thousand gallons per hour.
Rippers, road.
Rollers, road, pneumatic tired.
Rollers, road, tandem.
Rollers, road, portable.
Rollers, road, three wheeled.
Rollers, tamping and sheepsfoot.
Scarifiers.
Scrapers, carrying or hauling, both drawn and self-propelled.
Screens,[1] rotary, vibrator and gravity types; other than coal and industrial.
Screening plants, portable type.
Screening plants, stationary.
Shovels, power, crawler mounted.
Shovels, power, rubber mounted.
Shovels, power, tractor mounted.
Sprayers, bituminous material.
Spreaders, concrete.
Sweepers, street.
Towers, concrete placing.
Towers, material elevating.
Tractors, crawler or track-laying type, including angledozer attachments.
Vibrators, concrete.
Washing and screening plants, portable type.
Wagons, contractors, crawler.
Winches, contractors.
Winches, track-laying tractor mounted.

[1] If these items are permanently inbuilt as part of a complete stationary operating plant such as a mine, quarry, or sand and gravel plant and cannot be removed as a separate unit without destroying the operating continuity of such a plant, they need not be reported.

[2] If such buckets are a part of a single purpose crane unit operating only as a dragline, clamshell or concrete handling machine, they should be reported with and as a part of such unit, otherwise such buckets must be reported separately.

[F. R. Doc. 43-479; Filed, January 9, 1943; 11:43 a. m.]

PART 3158—ALKANOLAMINES

[Allocation Order M-275]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of alkanolamines for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3158.7 *Allocation Order M-275*—(a) *Definitions.* For the purpose of this order:

(1) "Alkanolamine" means monoethanolamine, diethanolamine and triethanolamine.

(2) "Supplier" means any producer or distributor of alkanolamine.

(3) "Producer" means any person who produces alkanolamine, including any person who has alkanolamine produced for him pursuant to toll agreement and excluding any person who produces alkanolamine for another pursuant to toll agreement.

(4) "Distributor" means any purchaser of alkanolamine from a producer for purpose of resale without further processing or admixing.

(b) *Restrictions on use and delivery of alkanolamine.* (1) On and after February 1, 1943, no supplier shall use or deliver alkanolamine, and no person shall accept delivery of alkanolamine from a supplier, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (d), or except as provided in paragraph (c).

(2) Each person authorized to accept delivery of alkanolamine shall use such alkanolamine for the purpose authorized, except as otherwise specifically directed by the Director General for Operations.

(3) The Director General for Operations in his discretion may at any time issue special directions to any person with respect to the use, transportation

or delivery of alkanolamine by such person, or of products made from alkanolamine allocated to such person, notwithstanding the provisions of paragraph (c) hereof, or may issue special directions to any producer with respect to the kinds of alkanolamines which he may or must manufacture.

(c) *Small order exemption.* (1) Any person may accept delivery of, and any supplier may use 5 gallons or less of monoethanolamine, 5 gallons or less of diethanolamine and 55 gallons or less of triethanolamine in the aggregate during any one calendar month without specific authorization, provided that such person (or supplier) has not been specifically authorized to use or accept delivery of any quantity of the same type of alkanolamine during such month.

(2) Any supplier may deliver alkanolamine without specific authorization to any person entitled to accept delivery pursuant to this paragraph, *Provided* that:

(i) No producer shall deliver an aggregate amount of alkanolamine in any one calendar month pursuant to this paragraph in excess of 2% of the amount of alkanolamine which he is specifically authorized to deliver during such month; and

(ii) No supplier shall make deliveries of alkanolamine during any month pursuant to this paragraph if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month; and

(iii) Any supplier may make deliveries pursuant to this paragraph without regard to preference ratings.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of alkanolamine, and each supplier seeking authorization to use or accept delivery of alkanolamine, shall file application on Form PD-600 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-600. Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

Time. Applications shall be filed on or before the 10th day of the month preceding the month for which authorization for use or acceptance of delivery is requested.

Application shall be filed in time to ensure that copies of the application will have reached the War Production Board on the date specified.

Number of copies. Five copies shall be prepared, of which one shall be retained by the applicant, and four certified copies shall be sent to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-275. After having been signed by the Director General for Operations, one copy will be returned to the applicant and another to his supplier, unless supplier is "own stocks". The applicant shall leave Columns 4 through 23, inclusive, blank on one of the four copies sent to the War Production Board, and this copy will be forwarded to his supplier by the War Production Board.

Number of sets. A separate set of PD-600 application forms shall be submitted for each supplier and separate requests shall be made for monoethanolamine, diethanolamine and triethanolamine.

Heading. Under name of chemical, specify monoethanolamine, diethanolamine, or triethanolamine, as the case may be; under War Production Board order, specify M-275; under name of company, specify name and mailing address of applicant; under unit of measure, specify pounds; and specify delivery destination, supplier and shipping point.

Table I. Specify in the heading month and year for which authorization for use or delivery is sought.

Column 1. Leave blank.

Column 2. Specify quantities requested in pounds separately for each primary product and product use listed in Columns 3 and 4.

Columns 3 and 4. Fill out as follows:

Column 3	*Column 4*
Gas absorption or purification.	Specify the gas and the process.
Chemical manufacture.	Describe.
Inhibitor	Specify the inhibited product and state if military or civilian.
Soluble oil	Specify whether textile or metal and percentage of each.
Solvent	Specify material dissolved and its use.
Emulsion	Specify product and end use.
Pharmaceutical	Name and describe product.
Plasticizer	Describe end use.
Cosmetics	Leave blank.
Soap	Specify type of soap and whether for military, industrial, civilian or Lend-Lease use.
Miscellaneous	Specify general classes of use.
Other	Specify end use.
Resale (in original form).	Suppliers shall write in "Upon further authorization or for paragraph (c) small orders."
Export (in original form).	Specify the name of the individual company or governmental agency to whom or for whose account the material will be exported, the country of destination and governing export license or contract numbers unless Lend-Lease, in which case merely specify Lend-Lease.
Inventory (in original form).	Write in "reserve subject to further direction."

Alkanolamine allocated for inventory shall not be used for any purpose except as specially directed by the Director General for Operations, or except to fill orders for authorized uses, pending arrival of the alkanolamine allocated to fill such orders. Upon arrival of such alkanolamine, the allocated inventory shall be restored.

Columns 5, 6, 7, 8 and 9. Leave blank.

Column 10. Specify applicable government contracts and specification numbers, if any.

Table II. Fill in the last month in the heading, leave Column 11 blank and fill in other columns as indicated.

Table III. Fill in next month in heading, and fill in columns as indicated.

Table IV. Leave blank.

(2) Receipt by a supplier from the War Production Board of a copy of Form PD-600 signed by the Director General for Operations shall constitute authorization to such supplier to make the deliveries called for in Column 9 of such form.

(3) Each supplier producing or distributing more than 100 gallons of alkanolamine per month, and each person producing such quantity for another person pursuant to toll agreement, shall file a report on PD-601 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-601. Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

Time. Suppliers shall report on Form PD-601 on or before January 10, 1943 and on or before the 10th day of each month thereafter.

Number of copies. Two copies shall be prepared, of which one shall be retained by the supplier and one certified copy shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-275.

Number of sets. A separate set of PD-601 forms shall be filed for each plant of the supplier. Plants producing alkanolamine pursuant to toll agreement shall report separately, specifying the companies for whom they are producing and the quantities produced and to be produced for each of them. A single set of forms may be filed for all grades (see Column 8 instructions below).

Heading. Under name of chemical, specify alkanolamine; under War Production Board number, specify M-275; under name of company, specify name and mailing address of supplier reporting; specify plant or warehouse address; indicate whether the supplier reporting is a producer or a distributor as defined herein; leave the schedule of delivery dates blank; and under unit of measure, specify pounds.

Table I. Leave blank.

Table II. State in the heading "Report for current month of ———".

Column 8. Specify separately monoethanolamine, diethanolamine and triethanolamine, and fill in the figures called for by the following columns separately for each of these grades.

Columns 9, 10, 11, 12, 13 and 14. Fill in as indicated.

Columns 15 and 16. Leave blank.

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Form PD-600 and PD-601.

(e) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order to the extent that it is inconsistent herewith.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order, shall,

unless otherwise directed, be addressed to War Production Board, Chemicals Division, Washington, D. C., Ref.: M–275.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–480; Filed, January 9, 1943; 11:42 a. m.]

PART 1075—CONSTRUCTION

[Preference Rating Order P–19–J]

§ 1075.5 *Rerating of Construction Projects.* For the purpose of facilitating the acquisition of certain material in the public interest and to promote the national defense, a preference rating is hereby assigned to deliveries of materials for use in the construction of defense projects upon the following terms:

(a) *Rerating of certain deliveries.* Deliveries to a builder at any time heretofore assigned a preference rating of AA–4, which rating is still in effect, by a preference rating order in the P–19 series except where such order has been issued to the Federal Public Housing Authority are hereby rerated AA–3.

(b) *Priorities regulations; effect of rerating.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time. Specifically, the method of application or extension of reratings assigned under paragraph (a) hereof, the use of such a rerating where the rating previously assigned has not been used, and the effective date of such reratings shall be governed by the provisions of paragraphs (g), (h) and (i) of Priorities Regulation 12 as amended.

(c) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Construction Division, Washington, D. C., Ref.: P–19–j.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 FR. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–532; Filed, January 11, 1943; 11:16 a. m.]

PART 1075—CONSTRUCTION

[Preference Rating Order P–19–k]

§ 1075.6 *Rerating of programmed war housing projects.* For the purpose of facilitating the acquisition of certain material in the public interest and to promote the national defense, a preference rating is hereby assigned to deliveries of materials for use in the construction of defense projects upon the following terms:

(a) *Rerating of certain deliveries.* Deliveries to a builder at any time heretofore assigned a preference rating by a Preference Rating Order P–55 or by issuance to the Federal Public Housing Authority of a Preference Rating Order P–19–d or P–19–h are hereby rerated AA–3.

(b) *Priorities regulations; effect of rerating.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time. Specifically, the method of application or extension of reratings assigned under paragraph (a) hereof, the use of such a rerating where the rating previously assigned has not been used, and the effective date of such reratings shall be governed by the provisions of paragraphs (g), (h), and (i) of Priorities Regulation 12 as amended.

(c) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Construction Division, Washington, D. C., Ref: P–19–k.

(P.D. Reg. 1 as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–531; Filed, January 11, 1943; 11:16 a. m.]

PART 3110—TEXTILE, FIBER, CLOTHING AND LEATHER MACHINERY

[Interpretation 1 of General Limitation Order L–215]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 3110.1, General Limitation Order L–215, issued December 26, 1942:

The word "parts" in line 2 of paragraph (b) (2) does not include parts purchased or delivered for the purpose of maintaining or repairing machinery already installed in any producer's plant, but does include parts purchased for improving, adding to, or expanding such machinery.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–535; Filed, January 11, 1943; 11:16 a. m.]

PART 3041—WATER HEATERS

[Interpretation 1 of General Limitation Order L–185]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 3041.1, *General Limitation Order L–185:*

Any appliances, including those commonly known as laundry stoves or laundry heaters, which have permanently built-in coils for water heating, or which have water jackets as integral parts of such appliances, are water heaters as defined in L–185, and are subject to the restrictions of that order.

Such devices as water backs, water fronts, reservoirs and coils, which perform a water heating function when connected or fixed to domestic cooking appliances as defined in L–23–c, and are detachable or replaceable, are water heaters as defined in L–185 (although the domestic cooking appliances will be subject to the restrictions of L–23–c) and will be subject to the restrictions of that order.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–534; Filed, January 11, 1943; 11:16 a. m.]

PART 3051—SCALES, BALANCES AND WEIGHTS

[Interpretation 2 of Limitation Order L–190]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 3051.1 Limitation Order L–190:

Paragraph (a) (7) of Order L–190 defines "Class One scales" as including "scales for household use." "Scales for household use" as defined by paragraph (a) (4) includes all scales commonly used for household purposes except dietetic scales. Spring type scales with a retail list price of $5.00 or less and equipped with postal charts are a type of scale commonly used for household mailing and other household purposes. Hence they are "scales for household use" within the definition of paragraph (a) (4) and are included in "Class One scales" under paragraph (a) (7) Accordingly the fabrication and assembly of that type of scale are restricted by paragraphs (b) (1) and (b) (2). Moreover, those scales fabricated and assembled prior to the dates specified in the latter paragraphs may be sold without regard to the requirement of a rating of A–9 or higher which paragraph (c) (1) requires for scales of other classes.

"Class Three scales" is defined by paragraph (a) (9) to mean "mailing and parcel post scales." This definition refers to scales of the types commonly used by postal services and for business mailing and parcel post work, and not to those scales commonly used for household mailing and other household purposes.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–533; Filed, January 11, 1943; 11:16 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation, Supp. Amendment 8A]

HOTELS AND ROOMING HOUSES

Paragraph (b) of §§ 1388.1502, 1388.1552, 1388.1602, 1388.1852, 1388.1902, 1388.1952, 1388.2002, 1388.3002, 1388.4002, 1388.5002, 1388.6002, 1388.7002, 1388.8002, 1388.9002, 1388.82, 1388.182, 1388.332, 1388.432, 1388.632, 1388.732, 1388.832, and 1388.932 of Maximum Rent Regulations Nos. 21A, 22A, 23A, 29A, 30A, 31A, 32A, 34A, 36A, 38A, 40A, 42A, 44A, 46A, 48A, 50A, 54A, 56A, 58A, 59A, 61A, and 63A, respectively, and the first paragraph of paragraph (e) of §§ 1388.1507, 1388.1557, 1388.1607, 1388.1857, 1388.1907, 1388.1957, 1388.2007, 1388.3007, 1388.4007, 1388.5007, 1388.6007, 1388.7007, 1388.8007, 1388.9007, 1388.87, 1388.187, 1388.337, 1388.437, 1388.637, 1388.737, and 1388.937 of Maximum Rent Regulations Nos. 21A, 22A, 23A, 29A, 30A, 31A, 32A, 34A, 36A, 38A, 40A, 42A, 44A, 46A, 48A, 50A, 54A, 56A, 58A, 59A, 61A, and 63A, respectively, are amended to read as set forth below, and the second paragraph of the said paragraph (e) of said sections is designated as subparagraph (2) of the said paragraph (e):

(b) *Prohibition.* * * *

(1) No tenant shall be required to change his term of occupancy.

(2) Where, during June, 1942, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during June, 1942. However, if, during the year ending on June 90, 1942, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Administrator to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Administrator may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the Act or this maximum rent regulation or are likely to result in the circumvention or evasion thereof.

(3) Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2). If the room occupied by such tenant was not rented or offered for rent for such term during June, 1942, the landlord may transfer the tenant to a room, as similar as possible, which was so rented or offered for rent.

* * * * *

(e) *Registration and records.* * * *

(1) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (i) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under § ____[1] (c), and (iii) rooms rented and offered for rent on a weekly and monthly basis during June, 1942.

* * * * *

This supplementary amendment No. 8A to Maximum Rent Regulations for Hotels and Rooming Houses shall become effective January 20, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of January, 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-453; Filed, January 9, 1943; 10:09 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[MRR 63A]

HOTELS AND ROOMING HOUSES

CAPE CHARLES DEFENSE-RENTAL AREA

Correction

In the document appearing on page 132 of the issue for Tuesday, January 5, 1943, the section number 1888.935 should read "1388.935." Paragraph (a) (1) of § 1388.-935 should read as follows:

"There has been, since the thirty-day period or the order determining the maximum rent * * *" instead of "There has been, since the thirty-day period or the other determining the maximum rent * * *"

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Revised MPR 216]

EASTERN RAILROAD TIES

Correction

In § 1426.2 (a) (3) of the document appearing on page 10782 of the issue for Wednesday, December 23, 1942, the next to the last word should read "each" instead of "such". In § 1426.14, Table I the column heading reading "Maximum price per gross tie" should read "Maximum price per cross tie." In Table II in the description of zone 3 the county in Wisconsin which reads "Trampealeau" should be "Trempeleau" and in zone 4 the county "Bullett" should read "Bullitt" in both cases.

PART 1499—COMMODITIES AND SERVICES

[Order 211 under § 1499.3 (b) of GMPR]

S. C. JOHNSON & SON, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1447 *Approval of maximum prices for Johnson's Brown Label No-Buff Floor Finish.* (a) On and after January 11, 1943, any person may sell and deliver Johnson's Brown Label No-Buff Floor Finish packaged in ten gallon wooden containers at prices not in excess of those hereinafter set forth: (1) To distributors, $13.38 per ten gallons. (2) To retailers, $16.18 per ten gallons. (3) To consumers, $20.78 per ten gallons.

(b) The prices set forth above shall be subject to terms by the seller, with respect to transportation charges and discounts, which are no less favorable than those which were in effect during March 1942, on sales of the above commodity in 5-gallon metal containers.

(c) All prayers of the application not granted herein, are denied.

(d) S. C. Johnson and Son, Inc. shall supply to each distributor, before or at the time of its first delivery of the above commodity in ten gallon wooden containers to such distributor, a written statement as follows:

The OPA has authorized us to charge the following maximum prices for Brown Label No-Buff Floor Finish, subject to all customary discounts and allowances: $13.38 per ten gallon wooden container.

Your maximum prices, subject to customary discounts and allowances, are authorized to be as follows: To retailers, $16.18 per ten gallon wooden container. To consumers, $20.78 per ten gallon wooden container. OPA requires that you keep this notice for examination.

(e) S. C. Johnson and Son, Inc. shall place on each ten gallon wooden container the following notice:

Retail ceiling price $20.78.

(f) This Order No. 211 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 211 (§ 1499.1447) shall become effective January 11, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-452; Filed, January 9, 1943; 10:08 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 155 Under § 1499.18 (b) of GMPR]

G. J. KLUYSKENS

Order No. 155 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1206.

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[1] The applicable section number is to be inserted for each maximum rent regulation. The respective section number to be inserted for each maximum rent regulation is as follows: 1388.1504, No. 21A; 1388.1554, No. 22A; 1388.1604, No. 23A; 1388.1854, No. 29A; 1388.-1904, No. 30A; 1388.1954, No. 31A; 1388.2004, No. 32A; 1388.3004, No. 34A; 1388.4004, No. 36A; 1388.5004, No. 38A; 1388.6004, No. 40A; 1388.7004, No. 42A; 1388.8004, No. 44A; 1388.-9004, No. 46A; 1388.84, No. 48A; 1388.184, No. 50A; 1388.33A, No. 54A; 1388.434, No. 56A; 1388.634, No. 58A; 1388.734, No. 59A; 1388.834, No. 61A; and 1388.934, No. 63A.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1056 *Granting adjustment of maximum prices for sales of Mohair rugs by G. J. Kluyskens.* (a) G. J. Kluyskens, 295 Fifth Avenue, New York, New York, may sell and deliver Mohair rugs imported from England at a price no higher than $6.80 for the 24 x 48 inch size subject to all customary allowances, discounts and terms in effect during March 1942. The differential between the 24 x 48 inch size and other sizes shall be no less favorable than the differential as established under § 1499.2 (a) of the General Maximum Price Regulation between the 24 x 48 inch size and other sizes.

(b) G. J. Kluyskens shall send to each customer, with each first delivery of Mohair rugs on which adjustment in maximum price has been made pursuant to this Order No. 155, a complete list of adjusted maximum prices and a notice reading as follows:

The Office of Price Administration has granted G. J. Kluyskens permission, pursuant to Order No. 155 under Section 1499.18 (b) of the General Maximum Price Regulation, to increase its maximum prices to those specified in the price lists accompanying this Order. Since these prices have only been increased to the level of competitive importers of this commodity, you will not be permitted to increase your maximum prices.

(c) All prayers of this application not granted herein are denied.

(d) This Order No. 155 may be revoked or amended by the Administrator at any time.

(e) This Order No. 155 (§ 1499.1056) is incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 155 (§ 1499.1056) under § 18 (b) of the General Maximum Price Regulation shall become effective January 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-451; Filed, January 9, 1943; 10:08 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 201 Under § 1499.3 (b) of GMPR]

RICHMOND LACE WORKS, INC.

Correction

In the table of Specifications appearing on page 178 of the issue for Tuesday, January 5, 1943, the entries for the fifth item listed under the headings "Quality" and "Width" should read "42 racks per web" and "9 carriage 9/14" width" respectively.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Ration Order 1A,[1] Amendment 5]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (e) of § 1315.302 is revoked, and paragraph (f) thereof is designated paragraph (e); § 1315.509, paragraph (e) of § 1315.602, subparagraph (3) of § 1315.804 (c), and the head-note of § 1315.1010 are amended to read as follows; paragraph (e) of § 1315.607 is revoked, the first sentence of § 1315.607 is designated paragraph (a), and a title is added thereto, and paragraphs (a), (b), (c) and (d) of § 1315.607 are designated subparagraphs (1), (2), (3) and (4), respectively; a new § 1315.512 is added; a new paragraph (f) is added to § 1315.602; a new paragraph (b) is added to § 1315.607; a new paragraph (c) is added to § 1315.609; new paragraphs (f) and (g) are added to § 1315.803; new subparagraphs (7) and (8) are added to § 1315.804 (c); new paragraphs (h) and (i) are added to § 1315.804; a new paragraph (d) is added to § 1315.1003; and a new paragraph (d) is added to § 1315.1010, as set forth below.

§ 1315.509 *Eligibility for allotment of tires.* Each applicant may be allotted *a dealer.* A State Director or District Manager may issue a certificate authorizing any dealer to acquire allotments of Grade III tires, Grade I and II tires, used passenger-type tires and passenger-type tubes for each establishment operated by him for which OPA Form R-17 has been filed for the quarter preceding his application, or for each establishment operated by him from which he was exempted from filing OPA Form R-17 under § 1315.1007 (b).

(b) *Amount of allotment of Grade III tires.* Each applicant may be allotted one Grade III tire for each $1,000 of his 1941 retail and wholesale net dollar sales of passenger-type tires and tubes from the establishment for which the allotment is sought, but any applicant shall be entitled to at least twelve (12) Grade III tires: *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade III tires (including Parts B of certificates authorizing the acquisition of Grade III tires which he received in exchange for Grade III tires, but upon which he has not yet obtained replenishment) as of the date of his application.

(c) *Amount of allotment of Grade I and II tires.* In addition, each applicant may be allotted one Grade I or Grade II tire, at his option, for each $2,000 of his 1941 retail and wholesale net dollar sales of passenger-type tires and tubes from the establishment for which the allotment is sought, but any applicant shall be entitled to at least six tires: *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade I and II tires (including Parts B of certificates authorizing the acquisition of Grade I and Grade II tires which he received in exchange for Grade I or Grade II tires but upon which he has not yet obtained replenishment) as of the date of his application.

(d) *Amount of allotment of used tires.* Each applicant may be allotted one used passenger-type tire (recappable carcasses, repairable tires, recapped tires and used tires serviceable without recapping or repairing) for each $1,000 of his 1941 retail and wholesale net dollar sales of passenger-type tires and tubes from the establishment for which the allotment is sought, but any applicant shall be entitled to at least twelve (12) such used passenger-type tires.

(e) *Allotment of tubes.* Each applicant who was authorized to acquire an allotment of Grade III tires prior to January 20, 1943 or who has been authorized to acquire an allotment of passenger-type tires as provided in paragraphs (b), (c) and (d) may be granted a certificate by the State Director or District Manager authorizing him to acquire one passenger-type tube (either new or used) for each passenger-type tire that he has been authorized to acquire.

(f) *One allotment only.* The State Director or District Manager shall grant only one allotment to an applicant under paragraph (b), one allotment under paragraph (c), one allotment under paragraph (d) and one allotment under paragraph (e) for each establishment for which such allotments are sought: *Provided,* That an applicant eligible for an allotment in excess of 200 Grade III tires but who was limited to an allotment of 200 Grade III tires prior to December 9, 1942, may be granted an additional allotment equal to the difference between the allotment for which he is eligible under paragraph (b) and 200 Grade III tires.

§ 1315.512 *Eligibility for allotment of recappable and repairable tires*—(a) *Authorization.* A State Director or District Manager may authorize:

(1) Any applicant who operates molds capable of recapping passenger-type tires to acquire an allotment of recappable carcasses for each establishment operated by him, and

(2) Any applicant who operates tire repair vulcanizing units capable of repairing passenger-type tires to acquire an allotment of repairable tires for each establishment operated by him.

(b) *Amount and number of allotments.* (1) Each applicant may be allotted fifty (50) passenger-type recappable carcasses for each mold operated by him capable of recapping passenger-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724, 10072, 10336.

type tires and may apply for an additional allotment provided he has recapped all but twenty-four (24) recappable carcasses for each passenger-type mold, of the recappable carcasses previously allotted to him.

(2) Each applicant may be allotted twenty-five (25) repairable passenger-type tires for each tire repair vulcanizing unit operated by him capable of repairing passenger-type tires, and may apply for an additional allotment provided he has repaired all but twelve (12) repairable tires for each such unit, of the repairable tires previously allotted to him.

(c) *Time limitation.* Each applicant who has acquired an allotment of recappable carcasses or repairable tires under this section shall recap or repair the tires within thirty (30) days after he has acquired them.

(1) The State Director or District Manager who issued the authorization may, in his discretion, grant the applicant a thirty (30) day extension.

§ 1315.602 *Filing of applications.* * * *

(e) *Allotment of tires and tubes to dealers.* Applications by a dealer for certificates authorizing the acquisition of an allotment of Grade III tires or an allotment of Grade I and II tires or an allotment of used passenger-type tires or an allotment of passenger-type tubes shall be filed on OPA Form R–54 with the State Director or District Manager for the area in which the establishment for which the allotment is sought is located.

(f) *Allotment of recappable and repairable tires.* Applications by a recapper or repairer for authorization to acquire an allotment of recappable or repairable passenger-type tires shall be filed on OPA Form R–52 with the State Director or District Manager for the area in which the establishment for which the allotment is sought is located.

§ 1315.607 *Form of certificates to be issued*—(a) *By a Board.* * * *

(b) *By a State Director or District Manager.* A State Director or District Manager may issue the following certificates to an applicant:

(1) *For allotment of Grade III tires.* OPA Form R–46 authorizing an applicant to acquire an allotment of Grade III tires.

(2) *For allotment of tires and tubes.* OPA Form R–2 (Revised) authorizing an applicant to acquire an allotment of Grade I and II tires, an allotment of used passenger-type tires or an allotment of passenger-type tubes.

(3) *For allotment of recappable carcasses or repairable tires.* OPA Form R–53 authorizing an applicant to acquire an allotment of recappable carcasses or repairable tires.

§ 1315.609 * * * (c) *By State Director or District Manager.* If a State Director or District Manager issues OPA Form R–2 (Revised) for an allotment of tires or tubes under § 1315.509, he shall tear off and destroy Parts A and C of such certificate. If the certificate is for Grade I or II, tires, the State Director or District Manager shall mark Parts B and D thereof "Grade I or II tires only." If the certificate is for used passenger-type tires, he shall mark Parts B and D thereof "used passenger-type tires only." If the certificate is for tubes, he shall mark Parts B and D thereof "passenger-type tubes only."

§ 1315.803 *Transfer to consumers upon certificate.* * * *

(f) *By recappers or repairers.* No recapper or repairer shall transfer a recapped or repaired tire to a consumer unless the quality of his workmanship in recapping or repairing the tire at least conforms to the minimum quality specifications contained in Revised Price Schedule No. 66 and Maximum Price Regulation 107 issued by the Office of Price Administration.

(g) *Allotment of recappable and repairable tires.* A person who secured an allotment of recappable or repairable tires under § 1315.512 may, in exchange for a certificate, transfer the recapped or repaired tires to a consumer. If he has a supply of such tires of the size ordered, he may not refuse to transfer them to a consumer who presents a certificate for a Grade III tire if the consumer's order is accompanied with cash or its equivalent. He shall fill all accepted orders received on one day before filling any orders received on any subsequent day.

§ 1315.804 *Dealer and manufacturer transfers.* * * *

(c) *Tires or tubes.* * * *

(3) *Permitted replenishment of tires or tubes.* Subject to the provisions of subparagraph (1) of this paragraph any dealer or manufacturer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate or receipt transfer to another dealer or manufacturer the number of tires or tubes authorized by the certificate or receipt in accordance with the table below:

If Part B calls for—	*Dealer or manufacturer may replenish with—*
Any size Grade I passenger-type tire	Any size Grade I, II or III passenger-type tire.
Any size Grade II passenger-type tire	Any size Grade II or III passenger-type tire.
Any size Grade III passenger-type tire	Any size Grade III passenger-type tire or 8½ lbs. of passenger-type camelback.
Any size Grade I or II tire only	Any size Grade I or II passenger-type tire.
Any size used passenger-type tire only	Any size used passenger-type tire.
Any size truck-type tire	Any size truck-type tire.
Any size tractor-type tire	Any size tractor, truck or implement-type tire.
Any size implement-type tire	Any size tractor or implement-type tire.
Any size passenger tube	Any size passenger tube.
Any size truck tube	Any size truck tube.

* * * * *

(7) *Allotment of recappable or repairable tires.* Any manufacturer may, in exchange for the certificate of a State Director or District Manager (OPA Form R–53), transfer the number of recappable carcasses or repairable tires authorized thereon to the recapper or repairer authorized to acquire such tires.

(8) *Allotment of recappable and repairable carcasses.* A recapper or repairer who has a supply of tires, secured under § 1315.512, of the size ordered, may not refuse to transfer them to a dealer who presents a proper replenishment portion of a certificate, if the dealer's order is accompanied with cash or its equivalent. He shall fill all accepted orders received on one day before filling any orders received on any subsequent day.

* * * * *

(h) *Transmittal of OPA Form R–48.* A manufacturer or dealer who transfers a recappable carcass to a dealer in exchange for OPA Form R–46 or in exchange for Part B of a certificate marked "used passenger-type tires only," or in exchange for the authorization of a State Director or District Manager (OPA Form R–53) shall at the same time transmit OPA Form R–48 to the dealer.

(i) *Quality of recapping and repairing.* No recapper or repairer shall transfer a recapped or repaired tire to a dealer unless the quality of his workmanship in recapping or repairing the tire at least conforms to the minimum quality specifications contained in Revised Price Schedule No. 66 and Maximum Price Regulation No. 107 issued by the Office of Price Administration.

§ 1315.1003 * * (d) *Return of Parts B.* A recapper or repairer who has been authorized to acquire an allotment of recappable or repairable tires under § 1315.512 shall, on the fifth day of each calendar month, surrender to the State Director or District Manager who issued such authorization, Parts B of certificates, other than certificates for recapping service, received by him in exchange for the transfer of such recapped or repaired tires during the previous month. Such Parts B shall accompany the recapper's or repairer's monthly report required by § 1315.1010 (d) On or before September 30, 1943, he shall have surrendered to the State Director or District Manager Parts B of certificates representing a quantity of Grade III tires exchanged for those certificates equal to the number of recappable and repairable tires that he acquired under § 1315.512.

§ 1315.1010 *Records and reports of camelback dealers, recappers and repairers.* * * *

(d) *Reports by recappers and repairers.* Each recapper and repairer who has been authorized to acquire an allotment of recappable or repairable tires, as provided in § 1315.512, shall file monthly reports with the State Director or District Manager who issued the authorization, not later than the fifth day of the calendar month following the month covered by the report. Each report shall set forth in reference to such recappable carcasses and repairable tires respectively:

(1) The number on hand on the first day and the last day of the month.

(2) The number acquired during the month.

(3) The number recapped and repaired during the month.

(4) The number of such recapped and repaired tires transferred in exchange for certificates, other than certificates for recapping service, during the month.

(5) The number on hand on the last day of the month that have been recapped and repaired.

§ 1315.1199a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§§ 1315.302, 1315.509, 1315.512, 1315.602, 1315.607, 1215.609, 1315.803, 1315.804, 1315.1003 and 1315.1010) to Ration Order No. 1A shall become effective January 20, 1943.

(Pub. Law No. 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 10, 7 F.R. 9121)

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-502; Filed, January 9, 1943; 12:20 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262,[1] Amendment 4]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1351.969 is amended to read as set forth below:

§ 1351.969 *Appendix B: Miscellaneous food commodities covered by this regulation.* The following miscellaneous food commodities are covered by and shall be governed by this Maximum Price Regulation No. 262.

Baker's fruit pie and pastry fillings.
Fig bars.
Blended maple syrup.
Maple sugar.
Egg noodles.
Fountain fruits.
Peanut candy.
Potato chips.
Raisin filled or topped biscuits and crackers.
Canned boned chicken and turkey.
Chocolate coated sugar cones.
Tortillas.
Tamales.
Pretzels.

§ 1351.967a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1351.969) to Maximum Price Regulation No. 262 shall become effective January 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-505; Filed, January 9, 1943; 12:21 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9244, 10844.

PART 1376—FLUORITE

[MPR 126,[1] as Amended, Amendment 1]

FLUORSPAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the division of the Federal Register.*

A new § 1376.1a and a new § 1376.15 are added to read as set forth below.

§ 1376.1a *Maximum prices for sales of lead-free fluorspar by the Victory Fluorspar Mining Company to The International Nickel Company, Inc.* (a) On and after December 1, 1942, the Victory Fluorspar Mining Company, Elizabethtown, Illinois, may sell and deliver to The International Nickel Company, Inc., Huntington, West Virginia, and The International Nickel Company, Inc. may buy and receive in the course of trade or business from the Victory Fluorspar Mining Company, lead-free fluorspar, the specifications of which are a minimum of 85% calcium fluoride and a maximum of 5% silica, at a price not in excess of $31.75 a ton, f. o. b. cars, Rosiclare, Illinois.

(b) The maximum price established in paragraph (a) of this Section 1376.1a is subject to the express condition that the Victory Flourspar Mining Company abides by all regulations and orders issued by the Office of Price Administration with particular reference to the provisions of Maximum Price Regulation No. 126, as Amended, which provide that no person shall sell or deliver any commercial grade of fluorspar at a price higher than the maximum prices established by that regulation.

§ 1376.15 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1376.1a and 1376.15) to Maximum Price Regulation 126, as amended, shall become effective January 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-501; Filed, January 9, 1943; 12:20 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[2] Amendment 22]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The title "Replenishment and Audit Registration" is revoked and a new title "Provisions Relating to Dealers and Suppliers" is substituted therefor; the title "Restrictions on Transfers to Dealers and Suppliers" is revoked; the word "Same;" is inserted at the beginning of the titles "Use of Coupons and Other Evidences," "Records, Audits and Inspections," and "New Registrations"; subparagraph (22) of paragraph (a) of § 1394.5001 is revoked, and a new subparagraph (22) is added to such paragraph; subparagraph (35) of such paragraph is amended; paragraph (a) of § 1394.5701 is amended; a new paragraph (c) is added to § 1394.5705; paragraph (a) of § 1394.5731 is revoked, and a new paragraph (a) is substituted therefor; the text of § 1394.5741 is renumbered § 1394.5741 (a), and the phrase "Any person who opens or reopens" in such paragraph (a) is amended to read "Any person, other than a person who is registered as a primary supplier, who opens or reopens"; a new paragraph (b) is added to such section; the period at the end of the last sentence in § 1394.5742 is deleted, and the phrase "or paragraph (b) of § 1394.5741, as the case may be." is added at the end of such section; paragraph (c) of § 1394.5743 is amended; paragraph (a) of § 1394.5745 is amended; paragraph (c) of such section is revoked; and a new paragraph (v) is added to § 1394.5902, as follows:

Definitions

§ 1394.5001 *Definitions.* (a) When used in this Ration Order No. 11:

* * * * *

(22) "Primary supplier" means:

(i) Any person who refines fuel oil within the limitation area; or

(ii) The first person, in point of time, who has possession of fuel oil within the limitation area (other than as a carrier). Two exceptions to this subdivision (ii) appear in subdivisions (iii) and (iv).

(iii) The first person to have possession is not the primary supplier if he is a consumer who takes delivery of the fuel oil on direct shipment from without the limitation area in some way other than by pipeline, barge, tank ship or railroad tank car. Instead, the primary supplier is the person who had possession of the fuel oil (other than as a carrier) immediately prior to its entry into the limitation area.

(iv) The first person to have possession is not the primary supplier if the person from whom he purchased the fuel oil maintains a regular place of business within the limitation area. Instead, the primary supplier is the person from whom the purchase is made.

A person who is a primary supplier with regard to any fuel oil received or transferred at an establishment shall be regarded as a primary supplier as to all fuel oil which he receives or transfers at that establishment. A person is a primary supplier as to the establishments maintained by him at which he carries on any operations constituting him a primary supplier, and as to any other establishments which he chooses to register in his primary supplier registration (under paragraph (a) of § 1394.5701), except that if he does not maintain stationary storage facilities within the limitation area, he is a primary supplier as to all mobile facilities operated by him within the limitation area.

* * * * *

[1] 7 F.R. 9490.

[2] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071.

(35) "Transfer" means to sell, give, exchange, lease, lend, deliver, receive, supply or furnish, and includes the acquisition of title by legal process or operation of law, such as, but not limited to, the acquisition of title by will, inheritance or foreclosure; it also includes the use by any dealer or supplier of fuel oil held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in the course of or in completion of shipment, shall not be deemed a transfer to or by such carrier. Any delivery of fuel oil into stationary storage facilities designated by the Petroleum Administration for War as a terminal to receive principal petroleum products pursuant to Petroleum Directive No. 59 of the Petroleum Administration for War shall be deemed a transfer of fuel oil to the owner or operator of such terminal, and delivery of fuel oil from such terminal to a person other than the owner or operator shall be deemed a transfer of fuel oil by the owner or operator to such person.

* * * * *

Provisions Relating to Dealers and Suppliers

§ 1394.5701 *Registration of dealers and suppliers.* (a) Every primary supplier shall, on October 27 or 28, 1942 (or, if he became a primary supplier after October 28, 1942, within five (5) days after becoming a primary supplier), register with a Board within the limitation area (on Form OPA R-1116 (Revised), in duplicate) during the hours provided by the Board, the following matters, together with such other information as may be required by such form:

(1) His name, firm name and business address.

(2) His total fuel oil storage capacity, and his total inventory of fuel oil on hand as of 12.01 a. m. on October 1, 1942, or, if he has become a primary supplier since October 1, 1942, at the time he became a primary supplier.

(3) The location of, and the storage capacity and inventory on hand at, each establishment included in the registration, or, if he does not maintain stationary storage facilities, the number of mobile and portable units included in the registration, the capacity of each unit and the vehicle license number of each mobile delivery unit. If more than one establishment or mobile unit is included in the registration, the registrant shall attach a schedule or schedules to Form OPA R-1116 (Revised), supplying the information required with respect to each such establishment or mobile unit.

(4) A statement as to the facts which constitute him a primary supplier under the definition of primary supplier in subparagraph (22) of paragraph (a) of § 1394.5001.

A primary supplier shall register in one primary supplier registration, at any Board within the limitation area, all the establishments or mobile facilities at or from which he conducts operations constituting him a primary supplier. If he has other establishments within the limitation area, he may include some or all of them in his primary supplier registration, if he chooses to do so. He shall register as a dealer or secondary supplier as to each establishment which he does not choose to include in his primary supplier registration. Where the operations of a primary supplier are divided by him among two or more accounting and financial districts, he may make a separate registration for each district of all the establishments or facilities as to which he is a primary supplier in such district.

* * * * *

§ 1394.5705 *Issuance of inventory coupons.* * * *

(c) Every dealer and supplier shall insert on each inventory coupon issued to him the serial number of the registration certificate (Form OPA R-1116 or R-1116 (Revised)) issued to him. No inventory coupon shall be valid until such serial number has been inserted on the coupon.

* * * * *

Same; Records, Audits and Inspections

§ 1394.5731 *Reports by primary suppliers.* (a) On or before the twenty-fifth day of each month, commencing with the twenty-fifth day of November 1942, every primary supplier shall forward to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., a report, on Form OPA R-1119, showing, in addition to all other information required by the form, the matters set forth below, and every primary supplier shall forward, together with such statement, exchange certificates as required below:

(1) If he is a primary supplier as defined in subdivisions (i), (ii) or (iv) of paragraph (a) (22) of § 1394.5001, and if he is not a consumer, he shall show the total amount of fuel oil transferred by him within the limitation area (and without the limitation area, if he is within the limitation area) during the preceding calendar month, and shall submit exchange certificates equal in gallonage value to the amount of such transfers less the amount transferred to primary suppliers (and to dealers and suppliers without the limitation area, if he is within the limitation area). If he is a consumer, he shall show, and shall submit exchange certificates equal in gallonage value to, the total amount of fuel oil transferred to him during the preceding calendar month, less the amount of fuel oil transferred to him by dealers and secondary suppliers who are within the limitation area.

(2) If he is a primary supplier as defined only in subdivision (iii) of paragraph (a) (22) of § 1394.5001, he shall show, and shall submit exchange certificates equal in gallonage value to, the total amount of fuel oil transferred by him to consumers within the limitation area. If he is a primary supplier as defined in subdivision (iii) and also in another subdivision of paragraph (a) (22) of § 1394.5001, he shall report in the manner prescribed by paragraph (a) (1) of this section.

* * * * *

Same; New Registrations

§ 1394.5741 *Registration of new or reopened business.* * * *

(b) Any person who is registered as a primary supplier who opens or reopens, as a primary supplier, a place of business which is required to be registered under the provisions of paragraph (a) of § 1394.5701, shall register such place of business by forwarding to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., together with the first monthly report (required by § 1394.5731) following the opening or reopening of the place of business, a statement, in duplicate, showing:

(1) The name, firm name and business address of the registrant, and the address of the opened or reopened place of business.

(2) The registration serial number assigned by the Control and Audit Unit to the primary supplier registration Form OPA R-1116 or R-1116 (Revised) to which the statement will constitute an amendment.

(3) The date and time of the opening or reopening of the place of business.

(4) The storage capacity of, and the inventory on hand at, the place of business at the time of opening or reopening.

(5) The facts which constitute the registrant a primary supplier at the opened or reopened place of business.

The registrant shall forward a triplicate copy of the statement to the Board at which he filed his original registration application. The signature of the Chief of the Fuel Oil Rationing Branch, at the Washington Office, on such statement shall constitute a registration of the place of business and shall constitute the statement a part of the original registration certificate (Form OPA R-1116 or R-1116 (Revised)). The original of the statement will be returned by the Control and Audit Unit to the registrant and he shall attach it to his original registration certificate.

* * * * *

§ 1394.5743 *Transfer of entire business.* * * *

(c) The transferee of a place of business shall, after complying with the requirements of paragraphs (a) and (b) of this section, register, on Form OPA R-1116 (Revised), in the manner required by § 1394.5701: *Provided,* That a transferee who registers as a primary supplier at the transferred place of business shall, if he is already registered as a primary supplier, register such place of business by forwarding to the Control and Audit Unit, Fuel Oil Branch, Office of Price Administration, Washington, D. C., together with the first monthly report (required by § 1394.5731) following the transfer of the place of business to the registrant, a statement, in duplicate showing:

(1) The name, firm name and business address of the registrant, and the address of the place of business transferred.

(2) The registration serial number assigned by the Control and Audit Unit to the primary supplier registration Form OPA R-1116 or R-1116 (Revised)

to which the statement will constitute an amendment.

(3) The date and time of the opening of business at the place of business transferred.

(4) The storage capacity of, and the inventory on hand at, the place of business at the time of its opening.

(5) The facts which constitute the registrant a primary supplier at the transferred place of business.

The registrant shall send a triplicate copy of the statement to the Board at which he filed his original registration application. The registration shall be effected in the manner provided in paragraph (b) of § 1394.5741. No inventory coupons shall be issued to a transferee of a place of business unless the transferee registers as a dealer or secondary supplier at a place of business transferred to him from a primary supplier.

* * * * *

§ 1394.5745 *Cessation of business as a primary supplier.* (a) Any primary supplier who ceases to be a primary supplier at any place of business registered by him shall, immediately after such cessation, surrender to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., for cancellation, the registration certificate in which such place of business was included, and he shall notify the Board at which he filed his registration application of such surrender. If, however, he continues in business as a primary supplier at any other place of business as to which he is registered as a primary supplier, he shall request the cancellation of his registration of the place of business at which he has ceased to do business as a primary supplier by forwarding to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., together with his next monthly report after the termination of operations as a primary supplier at the place of business, a statement, in duplicate, showing:

(1) The name, firm name and business address of the registrant and the address of the place of business at which he has ceased to do business as a primary supplier.

(2) The registration serial number assigned by the Control and Audit Unit to the primary supplier registration Form OPA R–1116 or R–1116 (Revised) to which the statement will constitute an amendment.

(3) The date and time of the cessation of business as a primary supplier at the place of business.

(4) The storage capacity of, and the inventory on hand at, the place of business at the time of cessation of business as a primary supplier.

The registrant shall forward a triplicate copy of such statement to the Board at which he filed his original registration application. The cancellation of registration shall be effected in the same manner as registration is effected in paragraph (b) of § 1394.5741. If the primary supplier terminates operations as a primary supplier at all places of business included in his registration certificate, he shall submit to the Control and Audit Unit, together with his monthly report to such Unit for the period in which he terminated operations, an exchange certificate representing all coupons and other evidences which he is required, pursuant to the provisions of § 1394.5731, to submit with respect to such place of business, but has not yet submitted.

* * * * *

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(v) Amendment No. 22 (§§ 1394.5001; 1394.5701; 1394.5705; 1394.5731; 1394.5741; 1394.5742; 1394.5743; 1394.5745) to Ration Order No. 11 shall become effective January 15, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1–O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–504; Filed, January 9, 1943; 12:21 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 25]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (d) is added to § 1394.5707; in paragraph (c) of § 1394.5723 the word "secondary" is inserted between the phrase "any dealer or" and the word "supplier", the phrase "period '3' coupons" is amended to read "coupons numbered '3' ", and a new paragraph (d) is added to said section; and a new paragraph (y) is added to § 1394.5902; as set forth below:

Provisions Relating to Dealers and Suppliers

§ 1394.5707 *Restrictions on transfers.* * * *

(d) Notwithstanding the provisions of § 1394.9101 (a) (2) (i) of Supplement 1, any primary supplier who has registered pursuant to § 1394.5701, may, at any time prior to 12:01 a. m. on January 14, 1943, accept from any dealer or secondary supplier coupons numbered "3" in exchange for a transfer of fuel oil made in the states enumerated in § 1394.9101 (a) (2) (i), in an amount equal to the gallonage value which such coupons had prior to 12:01 a. m. January 4, 1943: *Provided,* That the dealer or secondary supplier to whom such transfer is made had prior to 12:01 a. m. January 4, 1943, accepted these coupons in exchange for the transfer of fuel oil in an amount equal to the gallonage value such coupons had prior to 12:01 a. m. January 4, 1943. The primary supplier may at the time of, or prior to, such transfer require the transferee to certify or submit other proof deemed necessary by the transferor, that the transferee had thus acquired the coupons prior to 12:01 a. m. January 4, 1943.

* * * * *

Same; Use of Coupons and Other Evidences

§ 1394.5723 *Exchange of coupons, other evidences, and delivery receipts.*

(d) Notwithstanding the provisions of paragraph (c) of this section, any primary supplier (registered with a Board pursuant to § 1394.5701) may at any time prior to 12:01 a. m. on January 14, 1943, deliver to any Board within the limitation area, any coupons numbered "3" (together with the attached summary required by § 1394.5722) which such primary supplier had on hand as of 12:01 a. m. January 4, 1943, or accepted in exchange for a transfer of fuel oil made by him to a dealer or secondary supplier pursuant to the provisions of § 1394.5707 (d). The Board shall furnish him an exchange certificate equal in gallonage value to the value which the coupons delivered had prior to 12:01 a. m. January 4, 1943. The duplicate of such certificate shall be retained for the files of the Board.

* * * * *

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(y) Amendment No. 25 (§§ 1394.5707 and 1394.5723) to Ration Order No. 11 shall become effective on January 9, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421; W.P.B. Dir No. 1, 7 F.R. 562; Supp. Directive No. 1–O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–503; Filed, January 9, 1943; 12:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 84 to Supp. Reg. 14[1] to GMPR[2]]

TRANSPORTATION OF REFINED PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amend-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492; 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 10780, 11118, 11071, 8 F.R. 165, 237.

[1] 7 F.R. 5486, 5709, 6008, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538 7511, 7536, 7535, 7739, 7671, 7812,, 7914, 7946, 8237, 8024, 8199, 8351, 3358, 8524, 8652, 87[illegible]7, 8881, 8899, 9082, 8950, 9131, 8953 8954, 8955, 8959, 9043, 9196, 9397, 8899, 9391, 9395, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 10705, 10865, 11005.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5265, 5445, 5775, 5784, 5783, 6058, 6081, 5484, 5565, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

ment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (52) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(52) *Transportation of refined petroleum products in tank trucks between points in Mississippi by carriers other than common carriers.* Maximum prices for the transportation of refined petroleum products in tank trucks between points in Mississippi by carriers other than common carriers shall be as follows:

Distance [1]		Rates in cents per gallon [2]
Over	But not over	
0	20	.300
20	25	.342
25	30	.383
30	35	.425
35	40	.467
40	45	.508
45	50	.550
50	55	.592
55	60	.633
60	65	.675
65	70	.717
70	75	.758
75	80	.800
80	85	.842
85	90	.883
90	95	.925
95	100	.967
100	110	1.050
110	120	1.133
120	130	1.217
130	140	1.300
140	150	1.383
150	160	1.467
160	170	1.550
170	180	1.633
180	190	1.717
190	200	1.800
200	210	1.883
210	220	1.967
220	230	2.050
230	240	2.133
240	250	2.217

For distances in excess of 250 miles, the maximum price in cents per gallon [2] shall be computed on the basis of 25¢ per mile or fraction thereof for the one way distance plus $4.00 for terminal costs, divided by 3000 gallons.

[1] The distance shall be computed by reference to the latest official highway map of the Mississippi Highway Department on the basis of the one way mileage between origin and destination over the shortest available highway route which is proper and safe for this type of traffic.

[2] Subject to a minimum charge based on full tank capacity with respect to trucks having a capacity of less than 3000 gallons and based on 3000 gallons with respect to trucks having a capacity of 3000 gallons or more. The term "truck" includes tractor-semitrailer and truck-trailer combinations.

The maximum prices authorized herein shall be applicable to all transportation performed on or after November 16, 1942.

(b) *Effective dates.* * * *

(85) Amendment No. 84 (§ 1499.73 (a) (52)) to Supplementary Regulation No. 14 shall become effective January 9, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-500; Filed, January 9, 1943; 12:20 p. m.]

PART 1340—FUEL

[Rev. MPR 122]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of the considerations involved in the issuance of Revised Maximum Price Regulation No. 122, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The title, preamble and §§ 1340.251 to 1340.262, inclusive, are renumbered and amended to read as set forth below:

The Price Administrator has ascertained and given due consideration to the prices prevailing on sales of such solid fuels between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this revised regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, issued October 2, 1942, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 122 is hereby issued.

Sec.

AUTHORITY: §§ 1340.251 1340.267, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1340.251 *Where this regulation applies.* (a) This regulation shall apply to all sales and deliveries of solid fuel from or to any point in the forty-eight states, the District of Columbia, and the territories of Alaska and Hawaii, unless:

(1) Made by the producer or distributor at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven or briquette plant, or

(2) Subject to Maximum Price Regulation No. 189 [2]—Bituminous Coal Sold for Direct Use as Bunker Fuel.

(b) Where the dealer has more than one business establishment, each establishment shall be considered a separate dealer. (Under Supplementary Order No. 13 (7 F.R. 6523) retail sellers operating more than one establishment and having had a uniform pricing practice as to two or more of them may apply for authorization to determine and use uniform maximum prices.)

§ 1340.252 *What this regulation prohibits.* Regardless of any contract or other obligation, no person shall:

(a) Sell, or, in the course of trade or business, buy solid fuel at prices higher than the maximum prices fixed by this regulation, or

(b) Obtain a higher than ceiling price by:

(1) Changing his customary allowances, discounts, or other price differentials, or

(2) Increasing any service charge or any interest rate on debts over that charged in December 1941 except where he may be ordered by the Bituminous Coal Division to apply a higher interest rate, or

(3) Using any other device by which a higher than ceiling price is obtained, or

(c) Use any tying agreement or make any requirement that anything other than the fuel requested by the buyer be purchased by him.

§ 1340.253 *Less than maximum prices may be charged.* Less than maximum prices may be charged, paid, or offered, but this regulation shall not authorize or excuse any sale in violation of any order of the Bituminous Coal Division setting minimum price.

§ 1340.254 *How maximum prices are calculated under this regulation*—(a) *How to use the maximum price rules in paragraph (b).* Rule 1 is intended to be used generally, but a dealer, if he wishes, may instead calculate his maximum price by optional Rule 1A or Rule 1B. If a dealer cannot calculate his price by using Rule 1, and does not wish to use Rule 1A or 1B, he must use Rule 2. If he cannot use Rule 2, he must use Rule 3 or Rule 4, depending on which covers his situation. Supplemental rules covering four special situations (dock sales for railroad fuel use; sales by bid; sales of lake cargo coal; dealers granted adjustments of maximum prices by order under Maximum Price Regulation No. 122) [3] are stated in § 1340.256. The

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

[2] 7 F.R. 5831, 6684, 8939, 10225, 10470, 10529.

[3] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835, 7809, 8949, 8948, 9426, 9783, 10529.

meanings of terms printed in quotation marks when first used in this section are given in § 1340.255 which follows this section.

(b) *The maximum price rules.* Rule 1. The maximum price for any solid fuel shall be:

(1) "The highest price charged by the dealer" in December 1941 for "the same fuel", plus

(2) Any increase in his "supplier's maximum price" for the same fuel over "the highest of all prices charged the dealer on the same fuel supplied to him" during the last calendar month of 1941 in which the dealer took deliveries of such fuel from a "supplier".

The maximum price of a solid fuel received from a supplier who is the same person as the dealer shall be: The highest price charged by the dealer in December 1941 for the same fuel; plus the difference between the highest price charged by the supplier during the same month to an independent dealer and the same supplier's maximum price for sales of the same fuel to the same independent dealer or any other of the same class.

If the dealer did not deliver a solid fuel to a certain class of purchasers during December 1941, his maximum price for sales to that class shall be based upon the maximum price for sales of the same solid fuel to other classes of purchasers, adjusted to reflect his customary price differentials between or among the classes of purchasers.

Rule 1A. The maximum price of a dealer who chooses to set his maximum price by his highest offering price for delivery during December 15–31, 1941, inclusive, shall be such highest offering price for a "like sale" if, either advertised by him after October 1 1941 in a medium of general circulation, such as a newspaper, in his locality, or listed in the last price circular, list or schedule he issued and made available to the purchasing public in 1941.

Rule 1B. The maximum prices of any dealer who chooses to use the maximum prices which he has calculated by using the weighted average price formula (§ 1340.261 (c)) of Maximum Price Regulation No. 122 and which he has posted as it requires (§ 1340.261 (j)) before the effective date of this revised regulation are the maximum prices so calculated and posted for a like sale.

Rule 2. The maximum price shall be the maximum price of the "most closely competitive dealer of the same class" for a like sale.

Rule 3. The maximum price shall be the sum of: First, the per net ton cost to the dealer, f. o. b. supplier's shipping point; Second, the actual transportation cost to the dealer's yard, dock or other terminal facility; and Third, "the margin over delivered cost" on the dealer's similar sale of solid fuel most nearly like the sale of solid fuel for which a maximum price is calculated under this Rule 3, taking into account similarity in size, kind, quality, use and quantity of fuel, class of purchasers, method of delivery (e. g., by truck, rail, etc.) and terms of delivery (e. g., delivered price, f. o. b. dealer's yard, etc.). But a dealer eligible for compensatory adjustment under Compensatory Adjustment Regulation No. 1 [4] shall, in place of the item marked Second in this Rule 3, substitute the lowest transportation cost he would have incurred during December 1941 in bringing the fuel to his terminal facility, plus not more than five (5) cents per net ton if he would then have used rail transportation.

Rule 4. If Rule 3 cannot be applied because the dealer made no similar sale, his maximum price shall be the price set by the regional office of the Office of Price Administration in line with the level of maximum prices set by this regulation. The dealer shall apply to the regional office, stating in writing:

First: the size, kind, quality and possible use or uses of the solid fuel to be priced;

Second: the name of its producer and its origin and, for bituminous coal, its price classification and group, size group, and mine index number in the minimum price schedules of the Bituminous Coal Division;

Third: the per net ton price, f. o. b. supplier's shipping point;

Fourth: the actual transportation cost to the dealer's yard, dock, or other terminal facility;

Fifth: a proposed schedule of prices for each class of purchaser involved, stating price variations for different quantities, methods and terms of delivery;

Sixth: his margin over delivered cost on sales of solid fuel serving the same purpose;

Seventh: any other pertinent information which the regional office may request.

§ 1340.255 *The meanings of certain terms used in the maximum price rules.* (a) The following quoted words, when used in this regulation, have the meanings given below:

(1) "A like sale" means one sale of solid fuel is like another if the same solid fuel is delivered under the same terms and by the same method to a purchaser of the same class as in the sale to which comparison is made.

(2) "The highest price charged by the dealer" means the highest price he charged for a like sale of fuel delivered during December 1941.

(3) "Same fuel" or "same solid fuel" means one solid fuel shall be deemed to be the same as another if the first is the same size and kind as the second, is of the same quality, has the same use, affords the purchaser equivalent serviceability, and is interchangeable with the second. In the case of bituminous coal, if the two coals compared are in the same or equivalent price classification and group and size group number as set forth in Maximum Price Regulation No. 120 [5]—Bituminous Coal Delivered from Mine or Preparation Plant, they are the same; this is the basic test although it is possible bituminous coals may be the same if they do not meet this test. Egg, stove and nut sizes of Pennsylvania anthracite as defined in Maximum Price Regulation No. 112 [6] shall be deemed to be one size of such anthracite for the purposes of this regulation.

(4) "A supplier" means any person who in 1941 or 1942 sold the dealer solid fuels for resale. Any person who sells to the dealer after 1942 is also a supplier if he performs the same functions in the selling of the same solid fuels at the same level of distribution and sells to dealers of the same class as did the suppliers who sold to the dealer in 1941 or 1942.

(5) "A supplier's maximum price" means the maximum price of an independent or affiliated supplier for deliveries to the dealer (before deducting any allowance or discount or adding any special service charge), f. o. b. supplier's shipping point. Maximum prices of suppliers are established by one or more of these regulations: Maximum Price Regulation No. 112—Pennsylvania Anthracite; Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant; Regulation No. 121—Miscellaneous Solid Fuels Delivered from Mine or Preparation Plant; [7] and this regulation.

(6) "The highest of all prices charged the dealer on the same fuel supplied to him" means the highest of all prices charged the dealer before the deduction of any discount or allowance or the addition of any special service charge.

(7) "The margin over delivered cost" means the difference between (i) the maximum price of the solid fuel under this Regulation, and (ii) the sum of (a) its most recent cost per ton to the dealer, f. o. b. supplier's shipping point, and (b) the actual transportation cost to the dealer's yard, dock, or other terminal facility.

(8) "Dealer of same class" means (i) a dealer performing the same function (trucking from a mine, yard or dock, a yard or dock operator), (ii) dealing in the same solid fuels, and (iii) selling to purchasers of the same class.

(9) "Most closely competitive dealer of the same class" shall be a dealer of the same class who (i) is selling the same solid fuel, (ii) is closely competitive in the sale of solid fuel, and (iii) is located nearest to the dealer.

(10) "Purchaser of the same class" refers to the practice adopted by the dealer in setting different prices for sales to different purchasers or kinds of purchasers or for purchasers located in different areas or for different quantities or under different conditions of sale, including methods and terms of delivery.

(b) *Other definitions.* Meanings of the following words and phrases are given in § 1340.265: "person", "producer", "distributor", "solid fuel", "f. o. b.", "sell", "dealer", "affiliated supplier", "Bituminous Coal Division."

§ 1340.256 *Maximum prices required for certain special sales.* The dealer's

[4] 7 F.R. 3749, 3900, 6005, 6149, 7744, 10531.

[5] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 8650, 8948, 9783, 10470, 10581, 10780, 10993, 11008, 11012.

[6] 7 F.R. 2512, 2739, 2818, 2868, 3521, 4294, 4539, 4540, 8948, 10529, 10554, 10714.

[7] 7 F.R. 3237, 3989, 4483, 5941, 6002, 6386, 8587, 8521, 8938, 8948, 10529.

maximum price for the sales covered by this section shall be a price calculated as required in the paragraphs following:

(a) *Maximum dock prices for railroad fuel.* (1) If solid fuel is sold for railroad fuel use at or from a dock on the west bank of Lake Michigan or the United States side of Lake Superior, its maximum price shall be the sum of (i) the purchase price per ton, f. o. b. the mine for sales to the dealer, (ii) the dealer's actual transportation cost to the same dock, and (iii) his handling and storage charge in effect during December 15–31, 1941, but not to exceed fifty-five (55) cents per net ton.

(b) *Maximum prices for sales by competitive bidding.* If solid fuel is sold under contract awarded the dealer in public competitive bidding, the maximum price shall be the dealer's maximum price calculated by the rules in § 1340.254 for like sales to business purchasers.

(c) *Lake cargo coal.* The maximum price of solid fuel received via water transportation facilities by any dealer on the Great Lakes or their connecting or tributary waters shall be the dealer's offering price, calculated by Rule 1A, for like sales or, if he chooses, a maximum price calculated by Rule 1B of § 1340.254 for like sales.

(d) *Dealers previously granted adjustments of maximum prices.* The maximum price of a dealer granted an adjustment of his maximum prices by order of adjustment issued under Maximum Price Regulation No. 122 shall be the higher of the following prices:

(1) The maximum price for a like sale established by this regulation, or

(2) The dealer's maximum price for a like sale as adjusted by order plus the difference between (i) the current delivered cost to him of the same fuel and (ii) the cost of the last delivery of such fuel to him prior to the effective date of the order of adjustment of his maximum price.

§ 1340.257 *When the amount of the railroad freight rate increase may be added to the maximum price.* A dealer who calculates his maximum price for the sale of solid fuel by Rules 1, 1A or 1B in § 1340.254 of this regulation may add to his maximum price the exact amount of the railroad freight rate increase incurred as a result of the Interstate Commerce Commission's order in its Docket Ex Parte 148, effective March 18, 1942.

§ 1340.258 *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect at some time after delivery of the solid fuel has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery. In appropriate situations, where a petition for amendment or an application for adjustment requires extended consideration, the Price Administrator, may upon application grant permission to agree to adjust prices on deliveries made during the pendency of the petition or application in accordance with the disposition thereof.

§ 1340.259 *Petitions for amendment and applications for adjustment.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the following cases:

(1) *Local shortages.* In the case of any dealer or group of dealers when it appears:

(i) That there exists or threatens to exist in a particular locality a shortage in the supply of a solid fuel which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(ii) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such dealer and of like dealers for such solid fuel; and

(iii) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this subparagraph (1).

(2) *Equalization for river transport.* In the case of a dealer delivering bituminous coal, produced by an affiliated supplier, from river terminal facilities at a maximum price established by this regulation which permits the producer a realization less than the applicable maximum price, f. o. b. the mine for the kind, size and quality of coal delivered from the river terminal facilities, the dealer may present the special circumstances of the case in an application for adjustment filed with the Secretary, Office of Price Administration, Washington, D. C. Unless notified to the contrary, the dealer may, after a lapse of fifteen (15) days from the date of the filing of such application, adjust his maximum price by an amount which will permit his affiliated supplier to realize no more than the applicable maximum price set forth in Maximum Price Regulation No. 120.

(3) *Abnormally low retail price.* In the case of any dealer at retail who shows:

(i) That such maximum price is abnormally low in relation to the maximum price of the same or similar solid fuel established for other dealers at retail; and

(ii) That this abnormality subjects him to substantial hardship.

No application for adjustment filed after November 30, 1942, will be granted under subparagraph (3).

(4) *Abnormally low wholesale price.* In the case of any dealer, other than a dealer at retail, who shows:

(i) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive dealers of the same or similar solid fuel; and

(ii) That establishing for him a maximum price, bearing a normal relation to the maximum price established for competitive dealers of the same or similar solid fuel, will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after November 15, 1942, will be granted under this subparagraph (4).

(5) *Long term contract price.* In the case of any dealer who shows to the satisfaction of the Administrator that he is subjected to undue hardship because he is thereby required not to exceed a price specified in a long term contract with a consumer, other than a household consumer, which contract was in effect during the period December 15–31, inclusive, 1941, and had been entered into prior to July 1, 1941. In such a case, the dealer should submit and the Office of Price Administration will consider:

(i) A copy of the long term contract or contracts upon which application is based;

(ii) The tonnage, and the proportion of the total tonnage sold by the dealer in the year 1941, which moved under such long term contract, broken down as to sizes, kinds and qualities;

(iii) The prices listed by the dealer in all advertisements, price circulars, lists or schedules in effect during December 15–31, 1941, for the sizes, kind and qualities of solid fuel involved in such long term contract, for sales to purchasers of the same class, and under similar terms and methods of delivery;

(iv) The weighted average of the prices actually charged by the dealer during December 15–31, 1941, on sales of each size, kind and quality of solid fuel covered by such long term contract, but not including the tonnage sold under such contracts;

(v) A summary for each month of the calendar year 1941, of the prices charged by the dealer in sales of each size, kind, and quality of solid fuel covered by such long term contract, exclusive of the tonnage sold under such contract;

(vi) A statement of the mine prices paid by the dealer from and after the date upon which such long term contract was entered into on all purchases of the sizes, kinds and qualities of solid fuel covered by such contract;

(vii) Any other data bearing on the alleged hardships imposed on the dealer by virtue of the effect of such long term contract upon his maximum prices.

(viii) Any data showing the necessity, in terms of the war effort, for the granting of the requested adjustment.

The Office of Price Administration may require in connection with any such application full data on costs, profits, and other factors deemed relevant.

No application for adjustment filed after November 15, 1942, will be granted under this subparagraph (5).

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

(b) Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 122 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1340.260 *Provision for specific ceiling prices.* The Office of Price Administration, or any duly authorized repre-

sentative thereof, may by order establish specific maximum prices in line with those established by this regulation for sales of solid fuels by a dealer or group of dealers in any area or locality.

§ 1340.261 *Applicability of other regulations.* (a) Section 1499.15 *Registration* and § 1499.16 *Licensing* of the General Maximum Price Regulation* shall apply to this regulation. No other provision of the General Maximum Price Regulation shall apply to this regulation.

(b) The minimum price established by the Bituminous Coal Division and applicable to members of its Bituminous Coal Code shall be the maximum price for sales of solid fuels by such members if such minimum is greater than the maximum price otherwise established by this regulation.

§ 1340.262 *Records and reports*—(a) *Base period records.* Each dealer in solid fuels shall preserve for examination by the Office of Price Administration all his existing records relating to:

(1) The prices he charged on deliveries made by him during December 1941;

(2) His offering prices (as defined in Rule 1A of § 1340.254 of this regulation) for delivery during the period December 15–31, 1941;

(3) His customary allowances, discounts and other price differentials;

(4) His charges for all special services and rates of interest on all forms of debts during December 1941;

(5) The prices charged to him by all of his suppliers during the last month of 1941 in which he received each different size, kind and quality of solid fuel.

(b) *Current records.* Every dealer in solid fuels for whom a maximum price is established by this Regulation shall keep and make available for examination by the Office of Price Administration records of his sales and purchases of the same type as he has customarily kept.

(c) *Reports.* Each dealer in solid fuels shall report to his War Price and Rationing Board his maximum prices for sales of solid fuel within no more than ten (10) days after he determines or redetermines his maximum prices pursuant to this revised regulation. However, to the extent that the dealer's maximum prices determined pursuant to Maximum Price Regulation No. 122 are the same as his maximum prices determined pursuant to this Revised Regulation and have been reported to any office of the Office of Price Administration or to his war price and rationing board, he need not again report such prices.

But each dealer whose sales of solid fuels from all his business establishments totaled $100,000 or more during 1942 and each dealer who is affiliated with his supplier shall, at the time of filing his maximum prices with his war price and rationing board, file an additional report with the Solid Fuels Price Branch, Office of Price Administration, Washington, D. C., showing his maximum prices, the method of computation thereof, including specifically the margin over delivered cost obtainable on sales at maximum prices of each solid fuel to each different class of purchasers.

§ 1340.263 *Posting of maximum prices; sales slips and receipts.* (a) Every dealer of solid fuels shall post all his maximum prices in dollars and cents per net or gross ton or fraction thereof, (or other unit of weight or measurement customarily used by him in his business) in a manner plainly visible to and understandable by the purchasing public for all cash and other sales under all methods and terms of delivery to all classes of purchasers of the purchasing public.

(b) Every dealer who during December 1941 customarily gave purchasers sales slips or receipts shall continue to do so. If a purchaser requests of a seller a receipt showing the name and address of the dealer, the kind, size and quality of the solid fuel sold to him or the price charged, the dealer shall comply with the purchaser's request as made by him.

§ 1340.264 *Enforcement.* (a) Persons violating any provision of this revised regulation are subject to the criminal penalties, civil and enforcement actions, suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have any evidence of any violation of this regulation or any price schedule, regulation or order issued by the Office of Price Administration are urged to communicate with the nearest regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1340.265 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, transportation, process, or use of solid fuel imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the dealer's maximum price for solid fuel and in preparing his records with respect thereto:

(a) As to a tax in effect during December 1941:

(1) If the dealer paid such tax, or if the tax was paid by any of his prior suppliers, irrespective of whether the amount thereof was separately stated and collected from the dealer, but the dealer did not customarily state and collect separately from the purchase price during December 1941 the amount of the tax paid by him or tax reimbursement collected from him by his supplier, the dealer may not collect such amount in addition to his maximum price, and in such case shall include such amount in determining the maximum price under this revised regulation.

(2) In all other cases if, at the time the dealer determines his maximum price, the statute or ordinance imposing such tax does not prohibit the dealer from stating and collecting the tax separately from the purchase price, and the dealer does state it separately, he may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any of his prior suppliers and separately stated and collected from the dealer by the supplier from whom he purchased, and the dealer shall not include such amount in determining the maximum price under this regulation.

(b) As to a tax or increase in a tax which becomes effective after December 1941, if the statute or ordinance imposing such tax or increase does not prohibit the dealer from stating or collecting the tax separately from his selling price and the dealer does separately state, the dealer may collect, in addition to his maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any of his prior suppliers and separately stated and collected from the dealer by the supplier from whom he purchased.

§ 1340.266 *Definition.* (a) When used in this Maximum Price Regulation No. 122, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" means (i) a person engaged in the business of mining solid fuel or preparing solid fuel at a mine or preparation plant operated as an adjunct of any mine, a coke oven or briquette plant; and (ii) any person acting as an agent of a producer in the sale of solid fuel.

(3) "Distributor" means (i) in the case of bituminous coal, a person who purchases bituminous coal at a mine or preparation plant operated as an adjunct of any mine for resale, and resells the same in not less than cargo or railroad carload lots, all as more fully defined in the Bituminous Coal Act of 1937, as amended, and rules and regulations issued thereunder, and any person acting as an agent of such distributor in the sale of bituminous coal; and (ii) in the case of any other solid fuel, a person who purchases it at or for delivery from a mine or a preparation plant operated as an adjunct of any mine, a coke oven or briquette plant, for resale and resells the same in not less than cargo or railroad carload lots, without physically handling such solid fuel, and any person acting as an agent of such distributor in the sale of solid fuel.

(4) "Solid fuel" (or "solid fuels") means all solid fuel except wood and wood products, including all kinds of anthracite and semi-anthracite; bituminous and semi-bituminous, sub-bituminous and cannel coal; lignite; all coke, including low temperature coke (except by-product foundry and blast furnace coke, and beehive oven furnace coke produced in the State of Pennsylvania); briquettes made from coke or coal; and sea coal used for foundry facings.

(5) "F. o. b." means free on board whatever facilities may be used for trans-

* 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5484, 5775, 5445, 5565, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9713, 10155, 10454.

portation at the shipping point indicated by the words following f. o. b. where it appears in this regulation.

(6) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser," shall be construed accordingly.

(7) "Dealer" means a person selling solid fuels subject to this revised regulation or a person who sold solid fuels subject to Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers.

(8) "Affiliated supplier": a supplier who is the same person as the dealer or whom the dealer owns or controls or who owns or controls the dealer or who is under common ownership or control with the dealer.

(9) "Bituminus Coal Division" means the Bituminous Coal Division of the United States Department of the Interior.

§ 1340.267 *Effective date.* This Revised Maximum Price Regulation No. 122 (§§ 1340.251 to 1340.267, inclusive) shall become effective January 9, 1943.

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-516; Filed, January 9, 1943; 4:29 p. m.]

PART 1340—FUEL

[MPR 112,[1] Amendment 10]

PENNSYLVANIA ANTHRACITE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1340.195, paragraph (d) is deleted; in § 1340.200, paragraph (a), (c) (3) (i), the proviso in paragraph (d) (1) and paragraph (d) (4) are amended and paragraph (d (3) (iii) is deleted to read as set forth below:

§ 1340.200 *Appendix A: Maximum prices for anthracite.* (a) The following maximum prices are established for anthracite f. o. b. transportation facilities at the mine, or preparation plant operated as an adjunct of a mine or mines or ground storage facility from which delivery is made:

(1)

Size	*Price per net ton*
Domestic:	
Broken, egg, stove and chestnut	$7.30
Pea	5.75
Steam:	
Buckwheat #1	4.20
Rice (Buckwheat #2)	3.35
Barley (Buckwheat #3)	2.50
All sizes smaller than barley (buckwheat #3) if sold for fuel or sintering use, including (specifically but not exclusively), Buckwheat #4, river or dredge barley, and smaller sizes	1.80

(2) Prepared at Jeddo #7 and Highland #5 breakers of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed under the trade name "Jeddo Coal," "Highland Coal" or "Hazel Brook Coal":

Size	*Price per net ton*
Domestic:	
Broken, egg, stove and chestnut	$7.55
Pea	6.00
Steam:	
Buckwheat #1	4.45
Rice (buckwheat #2)	3.50
Barley (buckwheat #3)	2.50

(3) Prepared at the Williamstown breaker of the Franklin-Lykens Coal Company, Ashland, Pennsylvania, and marketed under the trade name "The Only Genuine Franklin Coal of Lykens Valley":

Size	*Price per net ton*
Domestic:	
Broken	$8.05
Egg	8.30
Stove	8.55
Chestnut	7.60
Pea	5.75
Steam:	
Buckwheat #1	4.20
Rice (buckwheat # 2)	3.45
Barley (buckwheat #3)	2.50

(4) Produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under the trade name "Old Company's Lehigh Greenwood Premium Anthracite":

Size	*Price per net ton*
Domestic:	
Broken	$7.30
Egg, stove and nut	7.55
Pea	6.00
Steam:	
Buckwheat #1	$4.20
Rice (buckwheat #2)	3.35
Barley (buckwheat #3)	2.50

The prices set forth in subparagraphs (2), (3), and (4) of this paragraph shall be the maximum prices for this anthracite for so long as the present quality and preparation standards are maintained; otherwise, the maximum prices shall be those established by subparagraph (1) of this paragraph.

* * * * *

(c) *Cash discounts, credit terms and special services.* * * *

(3) (i) The charges made for any special service, including (specifically but not exclusively) calcium chloride treatment, specially prepared sizes, split cars (containing more than one size), box car loading, truck loading from pockets at the mine, bags and bagging, and the making of local or retail deliveries from the mine or adjunct preparation plant, shall not exceed the charges made for the same service during the period October 1–October 15, 1941, inclusive; but any producer whose special service charge for bags and bagging of anthracite at the mine or adjunct preparation plant during the period October 1–October 15, 1941, inclusive, was less than $2.30 per net ton, may charge for this special service an amount not in excess of $2.30 per net ton.

* * * * *

(d) *Premium-penalty contracts.* (1) * * *

Provided: That, any premium-penalty agreement executed pursuant to this paragraph (d) shall be subject to the conditions of the following subparagraphs (2) and (3);

* * * * *

(4) Contracts in effect January 9, 1943 which provide for sales of sizes smaller than barley (#3 buckwheat) on conditions similar to those set forth in the preceding subparagraphs of this paragraph (d) may be carried out at a base price not in excess of $1.80 per net ton.

§ 1340.199a *Effective dates of amendments.* * * *

(k) Amendment No. 10 (§§ 1340.195 (d); 1340.200 (a), (c) (3) (i), (d) (3) (iii), and (d) (4)) to Maximum Price Regulation No. 112 shall become effective January 9, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-515; Filed, January 9, 1943; 4:12 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order No. 11,[1] Amendment 26]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.5661 is amended and a new § 1394.5711 is added to Ration Order No. 11; and a new paragraph (z) is added to § 1394.5902, as set forth below:

Restrictions of Transfers to and by Consumers

§ 1394.5661 *Discriminations in tarnsfers to consumers.* On and after November 1, 1942, no dealer or supplier shall discriminate, in the transfer of fuel oil, among consumers entitled to acquire fuel oil under this Ration Order No. 11: *Provided, however,* That notwithstanding the provisions of this section, a primary supplier may conform with the provisions of Petroleum Administrative Order No. 1, as amended, issued by the Petroleum Administration for War.

Restrictions on Transfer to Dealers and Suppliers

§ 1394.5711 *Discrimination in transfers to dealers or suppliers.* On and after January 9, 1943, no dealer or supplier shall discriminate, in the transfer of fuel oil, among dealers or suppliers entitled to acquire fuel oil under this Ration Order No. 11: *Provided, however,* That notwithstanding the provisions of this Section, a primary supplier may conform with the provisions of Petroleum Administrative Order No. 1, as amended, issued by the Petroleum Administration for War.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2512, 2739, 2818, 2868, 3521, 4294, 4539, 4540, 8948, 10529, 10554, 10714.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(z) Amendment No. 26 (§§ 1394.5661 and 1394.5711) to Ration Order No. 11 shall become effective January 9, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 9th day of January, 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–513; Filed, January 9, 1943; 4: 12 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rationing Order No. 3,[1] Amendment 34]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (c) of § 1407.68 is amended, and a new paragraph (d) is added to § 1407.68 as set forth below:

Consumers

§ 1407.68 *Late registration of consumers.* * * *

(c) No consumer may be registered after January 15, 1943; *Provided,* That a consumer who is born after December 15, 1942, may be registered within a month after he is born, and any consumer who, at any time between December 16, 1942, and January 15, 1943, inclusive, is out of the country, confined in an institution, or subsisted in kind or in organized messes by the Army or Navy, may be registered, if he has not been previously registered, within a month after he enters the country, is discharged from the institution, or is no longer subsisted in kind or in organized messes by the Army or Navy.

(d) Upon the issuance of a Book to a late registrant, the Board shall detach, in addition to those stamps required to be detached by paragraph (a), all stamps required to be detached by Ration Order No. 12.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(ii) Amendment No. 34 (Paragraphs (c) and (d) of § 1407.68) shall become effective January 9, 1943.

(Pub. Law 421 77th Cong., W.P.B. Dir. No. 1 and Supp. Dir. No. 1E)

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–514; Filed, January 9, 1943; 4:12 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2066, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258, 10556, 10845; 8 F.R. 166, 262.

PART 1499—COMMODITIES AND SERVICES

[Order 154 Under § 1499.18 (b) of GMPR]

MONARCH SHOE COMPANY, INC.

Order No. 154 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3–2589.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1055 *Adjustment of maximum price for women's novelty shoes manufactured by Monarch Shoe Company, Inc.* (a) The Monarch Shoe Company, Inc., 169 Bridge Street, Cambridge, Massachusetts, is hereby authorized to sell and deliver the following women's shoes at prices not in excess of the following:

	Price per pair
Gabardine	$1.325
Imitation Leather	1.275
Mesh	1.375
White kid suede	1.375

(b) The maximum prices authorized by this order are subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) Wholesale and retail maximum prices of these shoes shall not be changed as a result of this order. The Monarch Shoe Company, Inc., shall send a written notice to all wholesalers and to all retailers to whom it sells. Such written notice shall be mailed by the Monarch Shoe Company, Inc., within 10 days after receipt of this order and shall be in the following form:

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of women's shoes as set forth below:

	Adjusted maximum price per pair	Old maximum price per pair
Gabardine	$1.325	$1.275
Imitation leather	1.275	1.25
Mesh	1.375	1.30
White kid suede	1.375	1.30

This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices will not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of these shoes. In order that we may continue to provide you with these shoes, it will be necessary for you to accept this reduction in your margin.

(d) This Order No. 154 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 154 (§ 1499.1055) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 154 (§ 1499.1055) shall become effective January 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.C. 9250, 7 F.R. 7871)

Issued this 11th day of January 1943. 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–547; Filed, January 11, 1943; 11:47 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 12 Under § 1499.3 (c) of GMPR]

DRACKETT COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is ordered:*

§ 1499.812 *Maximum prices for sales of the new plastic Windex Sprayer.* This Order No. 12 sets maximum prices for sales of a new plastic Windex Sprayer manufactured for the Drackett Company by the Wilco Company, Los Angeles, California. The manufacturer's maximum price for sales to the Drackett Company has been established under Maximum Price Regulation No. 188 and is not affected by this order.

(a) The maximum price for sales to wholesalers by the Drackett Company, Cincinnati, Ohio, and its distributing corporation, the Drackett Products Company, Cincinnati, Ohio, is $1.35 per dozen, f. o. b. Cincinnati, Ohio.

(b) The maximum price for sales by wholesalers to retailers is $1.50 per dozen. The seller shall bear the transportation costs to the extent that he has customarily done so in the past.

(c) The maximum price for sales at retail is 15¢ each.

(d) Upon the carton in which each sprayer is contained, the Drackett Company shall stamp or print a statement that the retail ceiling price is 15¢. A statement in the following form will be sufficient: "Ceiling Price 15¢".

(e) The Drackett Products Company shall notify every person who buys from it of the maximum price set by this Order No. 12 for resales by the purchaser. The notice shall be in the form of a statement on each invoice to each purchaser. For example, a statement in the following form on an invoice to a wholesaler will be sufficient: "Your ceiling price, set by an OPA order, is $1.50 per dozen."

(f) This Order No. 12 (§ 1499.812) shall become effective January 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–545; Filed, January 11, 1943; 11:48 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 212 Under § 1499.3 (b) of GMPR]

WAR PRODUCTION BOARD

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1448 *Approval of maximum prices for sales of certain railroad bridges by the War Production Board.* (a) The War Production Board may sell and deliver and any person may buy and receive, at present location, from the War Production Board the following bridges

now or formerly located on the branch line of the Louisville and Nashville Railroad, extending from North Winchester to Maloney, Kentucky, at maximum prices not in excess of the percentage of the original cost erected set forth for each bridge:

Bridge:	*Percentage of original cost*
26–A	68
60–A	65
60–B	65
61–A	70
61–B	70
61–C	70
41–B	65

(b) This Order No. 212 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 212 (§ 1499.1448), shall become effective January 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–546; Filed, January 11, 1943; 11:48 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 68[1] Under § 1499.18 (c) of GMPR]

U. S. MICA MFG. CO.

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The head-note of § 1499.918 and paragraph (a) of such section are amended and a new paragraph (d) is added to read as set forth below.

§ 1499.918 *Adjustment of maximum prices for roofing grade mica sold by the U. S. Mica Mfg. Co.* (a) (1) On and after December 1, 1942, the U. S. Mica Mfg. Co., 1521–1527 Circle Avenue, Forest Park, Illinois, may sell and deliver, and any person may buy and receive in the course of trade or business from the U. S. Mica Mfg. Co., roofing grade mica in carload lots at a price not in excess of $31.00 a ton f. o. b. the seller's plant or warehouse.

(2) All quantity differentials which the seller had in effect during March 1942 shall remain in effect under this amendment.

(3) This adjustment of maximum price is granted subject to the express condition that the U. S. Mica Mfg. Co. abides by all regulations and orders issued by the Office of Price Administration including, but not limited to, the provision of the General Maximum Price Regulation which provides that no person in the course of trade or business shall buy or receive any commodity at a price higher than the maximum price permitted by that regulation.

(4) This Amendment No. 1 may be revoked or amended by the Price Administrator at any time.

* * * * *

(d) This Amendment No. 1 (§ 1499.918) to Order No. 68 shall become effective January 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–544; Filed, January 11, 1943; 11:48 a. m.]

Chapter XIII—Petroleum Administration for War

PART 1515—PETROLEUM PRODUCTION OPERATIONS

[Petroleum Administrative Order 2]

The fulfillment of the requirements for the defense of the United States has created a shortage of material for the production of petroleum for defense, for private account, and for export; and the following order is deemed necessary in the public interest, to promote the national defense, and to provide adequate supplies of petroleum for military and other essential purposes:

§ 1515.1 *Petroleum Administrative Order 2.* Pursuant to Conservation Order M–68 as Amended January 4, 1943[1] (§ 1047.1), § 1047.10 *Supplementary Order M–68–5*, as amended October 23, 1942[2] is renumbered § 1515.1 of this chapter and is reissued effective today. This order shall continue in effect until February 1, 1943, unless sooner revoked by the Petroleum Administrator for War or the Deputy Petroleum Administrator for War.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of January 1943.

R. K. DAVIES,
Acting Petroleum Administrator for War.

[F. R. Doc. 43–441; Filed, January 8, 1943; 1:29 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 28]

PART 306—GENERAL AGENTS AND AGENTS

BONDING OF SHIPS' PERSONNEL RECEIVING ADVANCES FOR ACCOUNT OF WAR SHIPPING ADMINISTRATION

§ 306.61 *Bonding of ships' personnel.* From and after February 1, 1943 no moneys or property shall be advanced to a Master, purser, or other member of the ships' personnel for the account of the War Shipping Administration, unless such person is under a bond indemnifying the United States against loss of such moneys or property caused, solely or in part, by the dishonesty or lack of care of any such person in the performance of the duties of any position covered by the bond.

§ 306.62 *Amount of bond and advances.* Such bonds shall be in an amount deemed by the agents to be sufficient to cover, as nearly as possible, the value of all moneys and property that may be advanced to any one person filling a bonded position hereunder at any one time.

§ 306.63 *Premiums.* The bonds provided for in this order shall be furnished without cost to the United States, but the cost of the premiums of such bonds shall be included in the overhead expense of the agents in calculating any adjustment of compensation under the provisions of sections 10 and 11 of General Order No. 12 (§§ 306.10 and 306.11).

§ 306.64 *Form of bond.* The form of bond required by the War Shipping Administration to be used by the agents in compliance with the provisions of this general order shall be as follows:

WAR SHIPPING ADMINISTRATION

Position Fidelity Schedule Bond

In consideration of the annual premium _____ (hereafter called the "Surety") hereby agrees to pay to _____ _____ or its successors (hereafter called the "Agent") or the United States of America, (hereafter called the "United States"), represented by the Administrator, War Shipping Administration or his successors (hereafter called the "Administrator"), as their interests may appear, the amount of any pecuniary loss of money or other property caused, solely or in part, by reason of the dishonesty or lack of care of any person in the performance of the duties of any position, now or hereafter listed in the Schedule of Positions and Amounts forming part hereof (hereafter called the "Schedule"), on any and all vessels from time to time allocated to the Agent by the Administrator.

This bond is executed and accepted subject to the following agreements, limitations and conditions:

FIRST. Liability under this bond begins with the ____ day of _____, 19__ in respect of each person then filling any position named in the Schedule on any and all vessels then allocated to the Agent by the Administrator. As to any position or positions bearing the same designation as that of any position or positions named in the Schedule on any vessel or vessels thereafter allocated to the Agent by the Administrator, liability under this bond shall automatically begin as soon as such position or positions are filled, provided the Administrator or the Agent shall within ninety (90) days of the date such position or positions are filled notify the Surety in writing of the date such position or positions are filled. As between the Agent and the Administrator, it shall be the responsibility of the Agent to give the notice to the Surety as provided herein. Without affecting its liability hereunder, the Surety agrees that neither the Agent nor the Administrator need furnish the names of vessels on which positions are bonded hereunder at any time during the effective period of this bond.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8239.

[1] 8 F.R. 104.

[2] 7 F.R. 8636.

SECOND. If the Agent or the Administrator shall request the Surety to increase or decrease the amount of coverage applicable to any position named in the Schedule, the Surety shall make such change by written acceptance showing the increase or decrease in the amount of coverage and the effective date thereof, which effective date shall not be prior to the date of such request: *Provided, however,* That if the Administrator shall within ninety (90) days after receipt of notice of a decrease resulting from a request by the Agent, advise the Surety that it does not consent to such decrease, such decrease shall become inoperative and coverage shall continue in the amount applicable prior to such decrease as if such decrease had never been made.

THIRD. If the Surety knows or has reason to believe that any person filling any position named in the Schedule has caused any loss of money or property entrusted to him by reason of his dishonesty or lack of care in the performance of the duties of such position, the Surety may terminate the coverage of this bond as to such person by giving notice in writing to the Agent and the Administrator at least thirty days prior to the completion, in a continental United States port, of the then current voyage of the vessel on which such person is filling a position, in which case the coverage of this bond as to such person shall terminate when the crew is paid off upon such completion of the voyage. The Agent may cancel the coverage of this bond (a) as an entirety or (b) as to any position named in the Schedule by giving the Surety fifteen (15) days written notice accompanied by written approval of the Administrator to such cancellation. The Administrator may cancel the coverage of this bond (a) as an entirety or (b) as to any position named in the Schedule upon fifteen (15) days written notice to the Surety. In the event of any such cancellation the Surety shall refund to the Agent any unearned premiums computed pro rata.

FOURTH. After discovery and report to the Agent or the Administrator of any loss hereunder, the Agent or the Administrator shall give the Surety writen notice thereof, and within ninety (90) days after such written notice to the Surety shall file with the Surety affirmative proof of loss itemized and sworn to on forms furnished by the Surety. Prior discovery and report to the Agent of such loss shall not affect the right of the Administrator to notify the Surety of such loss and to file proof of loss. As between the Agent and the Administrator, it shall be the responsibility of the Agent, to give the notice to and file the proof of loss with the Surety as provided herein. "Discovery and report" as used herein is defined in Paragraph tenth hereof.

FIFTH. Any suit to recover on account of any loss hereunder shall be brought before the expiration of five years from the report to the Agent or the Administrator of the act causing such loss.

SIXTH. The Agent will declare at the original effective date of this bond, and at each subsequent premium anniversary date, the total number of persons then filling each position named in the Schedule, and the annual premium will be computed for the ensuing year on the basis of the aggregate coverage represented by such declaration. Upon such premium anniversary date there will be a computation of additional premium or refund of premium in proportion to the change in coverage each year.

SEVENTH. Settlement of any claim hereunder shall be made by check payable to the Agent unless otherwise instructed by the Administrator, but no settlement of any claim hereunder may be made for an amount less than the full amount of the loss for which the claim is made without the written consent of the Administrator thereto.

EIGHTH. The Surety shall not be entitled to any reimbursement, salvage or recovery—except from insurance, reinsurance, collateral or indemnity taken by the Surety for its own benefit—on account of any loss hereunder until the Agent or the Administrator, as their interests may appear, is reimbursed in full.

NINTH. No modification or change of any nature of the provisions of this bond shall take effect unless the Administrator shall have given his written consent thereto, except that the Agent may increase the coverage hereunder in accordance with the provisions of Paragraph First hereof without such consent of the Administrator.

TENTH. (a) Any action, approval or consent which by the provisions of this bond is required to be taken or signed by the Administrator shall be effective if taken or signed by the Administrator or by his authorized representative, and wherever and whenever herein any right, power, or authority is granted or given to the Administrator, such right, power, or authority may be exercised in all cases by his authorized representative, and the act or acts of such authorized representative, when taken, shall constitute the act of the Administrator hereunder.

(b) "Discovery and report" by the Agent as used herein shall be deemed to mean discovery by any person and the report of such discovery to an executive officer or head of a department or division concerned with such discovery and report of the Agent at the Agent's principal place of business within the continental United States. "Discovery and report" by the Administrator shall be deemed to mean discovery by any person and the report of such discovery to an executive officer or head of a division or section concerned with such discovery and report at the Administrator's headquarters.

(c) Notices, approvals and requests required by the provisions hereof shall be sent to the surety addressed to it at its home office at _____.

(d) Notices, acceptances and requests required to be sent to the Agent shall be sent to The Agent, _____
(name and head office address)

(e) Notices and requests to be sent to the Administrator shall be addressed to The Administrator, War Shipping Administration, at the Administrator's headquarters.

Signed, sealed and dated this _____ day of _____, 19__.

[CORPORATE SEAL] _____
(Surety)

By _____

Attest:

_____
(Secretary)

SCHEDULE OF POSITIONS AND AMOUNTS

The positions set forth hereinafter in this Schedule are all located on board the vessel or vessels allocated by the Administrator from time to time to the Agent named herein.

Item No.	Description position	Number persons filling position	Amount coverage on each	Aggregate coverage	Premium

§ 306.65 *Procedure to be observed in posting the bond.* The bonds shall be executed in duplicate, and the duplicate originals shall be delivered to the local District Auditor or Port Auditor of the War Shipping Administration, as the case may be, where the agent has its principal place of business or, if there be no local District or Port Auditor at such place, then to the Assistant Deputy Administrator for Fiscal Affairs, War Shipping Administration, Washington, D. C. The local District or Port Auditor, as the case may be, will accept delivery of the bonds on behalf of the Administration and will examine them for sufficiency of form and execution. If they appear to be in proper form, both duplicate originals of the bonds shall be forwarded to the Assistant Deputy Administrator for Fiscal Affairs, War Shipping Administration, Washington, D. C.

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

JANUARY 9, 1943.

[F. R. Doc. 43-522; Filed, January 11, 1943; 10:26 a. m.]

[General Order 6, Supp. 8]

PART 305—INSURANCE

WAR RISK INSURANCE; AUTOMATIC COVERAGE ON IMPORT CARGOES AND ON CARGOES SHIPPED TO TERRITORIES AND POSSESSIONS OF UNITED STATES

Pursuant to the authority contained in the Merchant Marine Act of 1936, as amended, the following rules and regulations, and amendments, for the underwriting of cargo war risk insurance under Warshipopencargo Policy form are hereby promulgated.

Effective 48 hours from the date of the publication of this supplement in the FEDERAL REGISTER, Clause 11 of Part II of the Warshipopencargo Policy is deleted and a new clause in the following form is automatically substituted in place thereof as Clause 11 of Part II of the Warshipopencargo Form:

§ 305.60 *Standard form of Warshipopencargo Policy.* * * *

11. It is understood and agreed that whenever any closing report is not filed as prescribed by Clause 12 hereof, the effect is such that a breach of the policy terms and

conditions has been made by the Assured, and the policy automatically ceases to insure any shipments which would otherwise have attached after the expiration of fifteen (15) days following the due date of the closing report, unless within the said 15 day period, the closing report as required by Clause 12 hereof is filed with the underwriting agent, and a reinstatement fee of Twenty-five ($25) Dollars is paid by cashier's check or certified check or money order payable to the order of the Treasurer of the United States together with the amount of premium due, if any.

Effective 48 hours from the date of the publication of this supplement in the FEDERAL REGISTER § 305.63 *Goods sold while en route* (Standard Optional Endorsement II) is deleted.

Section 305.76 *Goods insured for account of third party,* (Standard Optional Endorsement No. IV (amended)) is hereby revised and as revised shall be deemed to be automatically substituted for Standard Optional Endorsement No. IV where the latter has heretofore been attached to any policy.

§ 305.76 *Goods insured for account of third party.*

It is understood and agreed that this policy is to cover with respect to all shipments otherwise coming within the scope of this policy but shipped to or consigned to the Assured, or shipped by the Assured, and for the account and risk of _____, hereinafter referred to as the principal. The Assured warrants that he is a duly authorized agent of said principal for the purposes of the insured transaction. The Assured warrants that closing reports as provided for by the terms of this policy and by the terms of General Order No. 6 of the War Shipping Administration and supplements thereto will be filed by him with respect to all shipments insured hereunder, and subject to all the conditions and regulations of the War Shipping Administration relating to such reports. In the event of loss, any sums payable under the terms of this policy shall be paid to the order of said principal.

In event of loss, the Agent shall be required to file the affidavit called for by the terms of this policy, but if the principal is domiciled in the United States of America, or any possession or territory thereof, as defined in General Order No. 6 or any supplement thereto, or maintains regular office or place of business therein, said principal shall be required to file a similar affidavit. In the event of loss the amount collectible hereunder shall not exceed the amount which would have been collectible by the principal if he were named as the Assured hereunder.

All other terms and conditions remaining unchanged.

Effective 48 hours from the date of the publication of this supplement in the FEDERAL REGISTER § 305.77 *Goods insured by shipper* (Standard Optional Endorsement No. II, Revised) is deleted.

Effective 48 hours from the date of the publication of this supplement in the FEDERAL REGISTER § 305.78 *Definition of persons to whom a Warshipopencargo Policy may be issued* is deleted.

Effective 48 hours from the date of the publication of this supplement in the FEDERAL REGISTER, the second paragraph of Part I of Warshipopencargo Policy Form is deleted and the following is automatically substituted therefor:

§ 305.82 *Amendment to standard form of Part I of Warshipopencargo Policy.* * * *

Effective as to shipments:

a. Under Ocean Bills of Lading dated on and after _____, or

b. If Ocean Bills of Lading not issued, under equivalent shipping documents dated on or after said date, or

c. If no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessel on and after said date, and

in consideration of a Collateral Deposit Fund or Surety Bond to be established in accordance with Clause 13 of Part II of this policy, and of premiums computed and paid as provided in Clause 12, Part II of this policy, War Shipping Administration by this policy of insurance hereby insures _____ _____ against War Risks as specified in Part II with respect to all imports to the Continental United States, excluding Alaska and such other shipments coming within the scope of this policy by endorsement hereto, (except as to such shipments as may be specifically excluded from this policy by special agreement noted hereon by endorsement and except as to such goods which the Assured may purchase under terms requiring the seller to place War Risk Insurance thereon):

(1) Shipped or consigned to, or by, the Assured and for his account and risk,

(2) Shipped or consigned to or by other parties for the account and at the risk of the Assured.

(3) Shipped by, to, or at the direction of the Assured and sold by him prior to loading on board overseas vessel (a) on terms requiring the Assured to provide war risk insurance to the port of discharge, or (b) with respect to which written or cabled instructions to provide war risk insurance to the port of discharge have been received by the Assured from the purchaser prior to loading of the goods on board the overseas vessel.

Shipments included herein by this paragraph (3) shall be subject to the condition that, in the event of loss of goods sold by the assured prior to loading on board the overseas vessel and shipped for the account and at the risk of third parties other than a branch, subsidiary or affiliate of the assured, the assured shall be required to file, in lieu of the affidavit required by Clauses (a) (b) (c) (d) below or by Standard Optional Endorsement No. XII if endorsed hereon, an affidavit to the effect that the amount claimed does not exceed the actual bona fide sales price less all discounts, plus marine insurance and transportation costs actually incurred with respect to the venture plus the war risk premium payable hereunder if such items are not included in the sales price. Claims shall be filed by the Assured unless otherwise permitted by the War Shipping Administration for good cause shown.

(4) Shipped by the assured and sold by the assured subsequent to the attachment of risk hereunder on terms requiring the Assured to provide war risk insurance to the port of discharge, subject to the condition that in the event of loss the amount collectible shall not exceed the amount which would have been collectible by the assured if the Assured at the time of loss had retained full interest in the insured goods.

For the purpose of this insurance, goods insured hereunder shall be valued at_____ _____ _____ _____

Except as hereinbefore provided:

(a) In the event of loss the Assured shall be required to file an affidavit to the effect that the amount claimed does not exceed fair market value at place and approximate time of attachment of risk, plus marine insurance and transportation costs incurred with respect to the insured voyage, plus war risk insurance premiums payable hereunder. With respect to goods, the fair market value of which at place and approximate time of attachment of risk cannot be readily or satisfactorily determined by established or recognized market quotations, but the goods have been sold to or purchased by the Assured in a bona fide sale between independent parties within the thirty day period prior to attachment of risk, the sale or purchase price shall be deemed prima facie evidence of such fair market value.

(b) In cases where it is impossible to determine the fair market value at place and approximate time of attachment of risk as aforesaid, such affidavit shall be to the effect that the amount claimed does not exceed fair market value at port of arrival on date of attachment of risk.

(c) The affidavit required pursuant to the foregoing paragraphs (a) and (b) shall be subject to the provisions of section 35 (a) of the Criminal Code.

(d) In the event that in the judgment of the War Shipping Administration the foregoing provision as to affidavit works an inequity with respect to any commodity by reason of any subsidy payable by the Government of the United States or any Department, Agency, or Corporate instrumentality thereof, consideration will be given to an appropriate modification of said provision by endorsement of the policy.

Effective 48 hours from the date of the publication of this supplement in the FEDERAL REGISTER Standard Optional Endorsement No. XII is hereby revised, and as revised shall be deemed to be automatically substituted for Standard Optional Endorsement No. XII where the latter has heretofore been attached to any policy.

§ 305.98 *Standard Optional Endorsement No. XII.*

This endorsement shall not apply to goods sold by the Assured prior to loading on board the overseas vessel and shipped for the account and at the risk of third parties other than a branch, subsidiary or affiliate of the Assured. With respect to all other goods coming within the scope of the policy, except as may otherwise be provided below, shipped—

a. Under Ocean Bills of Lading dated on or after _____, or

b. If Ocean Bills of Lading not issued, under equivalent shipping documents dated on or after said date, or

c. If no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessel on and after said date,

the los provisions of Part I hereof set forth in paragraphs (a) (b) (c) (d) of the Warshipopencargo Policy limiting the amount collectible in the event of loss are hereby deleted and the following substituted therefor:

In the event of loss the Assured shall be required to file an affidavit to the effect that the amount claimed does not exceed the actual bona fide pecuniary loss to the Assured, exclusive of any allowance for anticipated or accrued profit arising out of the insured venture. Such affidavit shall be subject to the provisions of section 35 (a) of the Criminal Code.

(Insert any authorized exceptions)

All other terms and conditions remaining unchanged.

§ 305.101 *Regulations prescribing the use of Standard Optional Endorsement No. XII.* With respect to all shipments

of goods coming within the scope of Warshipopencargo Policy (except goods sold by the Assured prior to loading on board the overseas vessel and shipped for the account and at the risk of third parties other than branch, subsidiary or affiliate of the assured) an Assured may elect to have his policy endorsed with Standard Optional Endorsement No. XII applicable (a) on all such shipments, or (b) on all outward shipments, or (c) on all inward shipments,—also on named commodities provided, however, that when the Assured has elected certain named commodities he may not change to a different basis on those commodities except on ninety (90) days notice to the War Shipping Administration through the underwriting agent.

Effective 48 hours from the date of the publication of this supplement in the FEDERAL REGISTER, Part II of the Warshipopencargo Policy form is amended by the addition of Clause 21 reading as follows:

§ 305.102 *Warranty included in all Warshipopencargo policies.* * * *

21. Warranted by the Assured that the Assured in whose name this policy is issued is: if an individual, either a citizen of the United States or a resident within the United States or one of the territories and possessions of the United States; if a partnership or a corporation, that it is organized and existing under and by virtue of the laws of the United States, a State of the United States, one of the territories and possessions of the United States or a political subdivision thereof; or if a corporation, that it has an office or place of business within the United States or one of the territories and possessions of the United States with respect to shipments covered hereunder and that such shipments are for the account of said office.

§ 305.103 *Regulation in respect to the requirement of provisional reports.* Effective 48 hours after the date of the publication of this supplement in the FEDERAL REGISTER, any language appearing either in the Warshipopencargo Policy Form or endorsements thereto, or regulations in relation thereto requiring the filing of provisional reports is deemed deleted.

[SEAL] E. S. LAND,
Administrator.

JANUARY 9, 1943.

[F. R. Doc. 43-521; Filed, January 11, 1943; 10:26 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Service Order 102]

PART 97—ROUTING OF TRAFFIC

DIVERSION OF CERTAIN TRAFFIC AROUND COLUMBUS, OHIO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of January, A. D. 1943.

It appearing, that, due to interruptions of normal traffic and accumulation of railroad cars at Columbus, Ohio, certain railroads are or may be unable to transport carload traffic offered to them so as to properly serve the public; that the Office of Defense Transportation has requested this Commission to divert certain traffic around Columbus; and that an emergency exists requiring immediate action to promote the service in the interest of the public; *It is ordered*, That:

§ 97.5 *Coal to Toledo, Ohio, and Michigan.* (a) All cars loaded with coal originating on the Chesapeake and Ohio Railway in the states of Kentucky, Virginia, West Virginia and Ohio, or delivered to the Chesapeake and Ohio Railway by other railroads in those states, with destinations at Toledo, Ohio, or points in the state of Michigan, or moving through those points destined to points beyond, shall be transported by the Chesapeake and Ohio Railway to Toledo, Ohio, for delivery or further movement, notwithstanding shippers' routing instructions to the contrary, except cars destined for delivery at points on the Detroit, Toledo and Ironton Railroad. Cars loaded with coal originating on the Norfolk and Western Railway in the states of Virginia and West Virginia, or delivered to the Norfolk and Western Railway by other railroads in those states, with destinations at Toledo, Ohio, or points in the state of Michigan, or moving through those points destined to points beyond, not to exceed 100 cars per day, shall be diverted to the Detroit, Toledo and Ironton Railroad at Ironton, Ohio, notwithstanding shippers' routing instructions to the contrary.

(b) *Rates to be applied.* Inasmuch as the routing of traffic pursuant to this order is deemed to be due to carriers' disability, the rates applicable to traffic routed pursuant to this order shall be the same as would have applied had the shipments moved as originally routed.

(c) *Division of rates.* In executing the orders and directions of the Commission provided for in this order the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

It is further ordered, That this order shall become effective January 18, 1943, and shall remain in force until further order of the Commission; and that copies of this order and direction be served upon the above-named carriers and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commisison, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-537; Filed, January 11, 1943; 11:45 a. m.]

PART 120—ANNUAL, SPECIAL, OR PERIODICAL REPORTS

ANNUAL REPORTS FROM STEAM RAILWAY COMPANIES, ETC.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 1st day of January, A. D. 1943.

In the matter of annual reports from steam railway companies and switching and terminal companies of Class I and Class II, and the corresponding section of the Code of Federal Regulations, the following order was entered:

It is ordered, That the order of this Commission dated January 19, 1942, In the Matter of Annual Reports from Steam Railway Companies and Switching and Terminal Companies of Class I and Class II be, and it is hereby, vacated and set aside effective January 1, 1943, and the following order shall become effective:

§ 120.11 *Form prescribed for large and medium steam roads.* (a) All steam railway companies and switching and terminal companies of Class I and Class II within the scope of section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1942, and for each succeeding year until further order, in accordance with Annual Report Form A[1] (Large and Medium Steam Roads and Switching and Terminal Companies), which is hereby approved and made a part of this order.

(b) The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

(Sec. 20, 34 Stat. 386; Sec. 7, 34 Stat. 593; 35 Stat. 649; Sec. 14, 36 Stat. 556; Secs. 434-435, 41 Stat. 493; Sec. 13, 54 Stat. 916; 49 U.S.C. 20 (1)-(10))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-539; Filed, January 11, 1943; 11:45 a. m.]

[1] Filed as part of the original document.

Subchapter C—Carriers by Water

PART 330—ISSUANCE, RECORDING, AND FORMS OF PASSES OF COMMON CARRIERS

FORMS AND RECORDING OF PASSES

Supplementary regulations to govern the forms and recording of passes of carriers subject to the Interstate Commerce Act.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 7th day of January, A. D. 1943.

It appearing, that the Commission's order herein dated July 8, 1916, as amended July 20, 1939, and April 9, 1940, and still in force (Title 49, Part 101, Code of Federal Regulations), which prescribed Regulations to Govern the Forms and Recording of Passes, Issue of 1917, applied to all carriers by rail (including electric railways), carriers by water, and sleeping car companies, subject to the provisions of the amended act to regulate commerce (subsequently changed to Interstate Commerce Act);

And it further appearing, that under the provisions of section 306 (c) of part III of the Interstate Commerce Act, common carriers by water which are engaged in interstate or foreign commerce, as those terms are defined in section 302, are subject to the provisions of section 1 (7) and 22 of part I which relate to transportation free and at reduced rates: *It is ordered*, That the following regulation shall take effect and be in force from and after the fifteenth day of February 1943:

§ 330.1 *Issuance, forms and recording of passes.* The Regulations to Govern the Forms and Recording of Passes, Issue of 1917, prescribed in the Commission's order dated July 8, 1916, as amended July 20, 1939, and April 9, 1940 (§§ 101.0 to 101.123, inclusive, of this chapter), shall apply, on and after the fifteenth day of February, 1943, to all common carriers by water subject to part III of the Interstate Commerce Act. (Sec. 22, 24 Stat. 387, sec. 9, 25 Stat. 862, 34 Stat. 584, 35 Stat. 60, sec. 7, 36 Stat. 546, 44 Stat. 1247, 1446, 50 Stat. 475, secs. 3, 306 (c), 54 Stat. 900, 936; 49 U.S.C. 1 (7), 22, 906 (c).)

And it is further ordered, That notice of these supplementary regulations be given to all common carriers by water subject to part III of the Interstate Commerce Act and to the public by depositing a copy of this order in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Division of the Federal Register, The National Archives.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-538; Filed, January 11, 1943; 11:45 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-64]

LEFT FORK FUEL CO., INC.

ORDER GRANTING APPLICATION, ETC.

Order granting application filed pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for Disposition of Proceeding without formal hearing, revoking code membership and cancelling hearing.

A complaint, dated October 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on October 7, 1941, by the Bituminous Coal Producers Board for District No. 8 (the "Complainant"), alleging that Left Fork Fuel Company, Inc., a corporation, operating a mine designated as Mine Index No. 2431, located in Wayne County, West Virginia, District No. 8, wilfully violated the provisions of the Act, the Bituminous Coal Code (the "Code"), rules and regulations respectively promulgated thereunder by the Bituminous Coal Division, and the schedule of Effective Minimum Prices for District No. 8 for all shipments except truck, as more fully set forth in the Complaint;

The Complaint herein and Notice of and Order for Hearing issued November 22, 1941, having been duly served on the Code member on December 3, 1941, and the hearing herein having been postponed by Order issued March 2, 1942, to a time and place to be thereafter designated by an appropriate order; and

The Code member having filed with the Division on February 16, 1942, an application, dated February 14, 1942 (the "Application") for the disposition of this compliance proceeding without formal hearing pursuant to § 301.132 of the Rules of Practice and Procedure; and

Notice dated March 3, 1942, of the filing of the Application having been published in the FEDERAL REGISTER on March 4, 1942, pursuant to said § 301.132, and copies thereof having been duly mailed to interested parties including the complainant herein; and

Said notice of filing having provided that interested parties desiring to do so might within fifteen (15) days from the date of said notice file recommendations or requests for informal conferences in respect to said application and it appearing that no such recommendations or requests have been filed with the Division; and

It appearing from the application that the Code member admits that it wilfully committed the violations alleged in the complaint herein by selling, delivering and offering to sell on various dates between May 25, 1941, and June 8, 1941, inclusive, to the Ann Arbor Railway Company, Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers, for use as railway locomotive fuel 450 tons of Size Group 7, or 5" x 2" egg coal produced by the Code member at the Code member's mine located in Wayne County, West Virginia, and designated as Mine Index No. 2431, at a price of $1.85 per net ton f. o. b. said mine, whereas the effective minimum price established for such coal was $2.30 per net ton, f. o. b. said mine at the time said transactions occurred; and it further appearing from the application that the Code member to the best of its knowledge and belief has not committed any violations of the Act, the Code, or rules and regulations thereunder other than those admitted and more particularly described in the application; and

It further appearing from the application that the Code member consents to the entry by the Director of an order cancelling and revoking Applicant's Code membership or of an order directing the Code member to cease and desist from violations of the Code and rules and regulations thereunder, or to an order revoking Applicant's Code membership and also enjoining and restraining the Code member from violations of the Code and regulations made thereunder upon any restoration of the Applicant's Code membership; and

It further appearing from the Application that the Code member consents to the imposition of a tax in the amount of $403.65, payment of which shall be required as a condition precedent to the restoration of code membership of the applicant.

Now, therefore, pursuant to the authority vested in the Division by said section 4 II (j) of the Act, authorizing it to adjust complaints of violation and to compose the differences of the parties thereto, and upon the Application of the Code member for disposition hereof without formal hearing, and upon evidence in the possession of the Division; It is hereby found that:

The Left Fork Fuel Company, Inc., is a corporation organized and existing under the laws of the State of West Virginia, and engaged in the business of mining and producing bituminous coal in Wayne County, West Virginia, in District No. 8;

Left Fork Fuel Company, Inc., filed with the Division its acceptance of Code membership, dated April 23, 1940, which became effective as of April 24, 1940. Left Fork Fuel Company, Inc., since April 24, 1940 has been and is now a Code member in District No. 8, operating the mine designated as Mine Index No. 2431, located in Wayne County, West Virginia;

Left Fork Fuel Company, Inc., during the period May 25, 1941 to June 8, 1941, wilfully violated the provision of the Act, the Code, rules and regulations and the effective minimum prices thereunder, by offering to sell, selling and delivering approximately 450 tons of Size Group 7, 5" x 2" egg coal produced at its mine, designated as Mine Index No. 2431, to the Ann Arbor Railway Company at a price of $1.85 per net ton f. o. b. said mine for rail shipment, whereas the effective minimum price for said coal was $2.30 per net ton f. o. b. said mine for rail shipment, as established and set forth in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck.

Now, therefore, on the basis of the above findings and said admissions and consent of Left Fork Fuel Company, Inc., contained in its Application filed pursuant to § 301.132 of the Rules of Practice and Procedure;

It is ordered, That the Application be and the same hereby is granted; and

It is further ordered, That pursuant to section 5 (b) of the Act, the membership of Left Fork Fuel Company, Inc., in the Code be, and the same hereby is, revoked and cancelled, said revocation and cancellation to become effective fifteen (15) days from the date hereof; and

It is further ordered, That prior to the restoration of Left Fork Fuel Company, Inc., to membership in the Code, there shall be paid to the United States a tax in the amount of $403.65 as provided in section 5 (c) of the Act; and

It is further ordered, That the Left Fork Fuel Company, Inc., its representatives, servants, agents, officers, employees, attorneys, receivers, successors and assigns and any and all persons acting or claiming to act on its behalf or in its interest, cease and desist and they hereby are permanently enjoined and restrained from violating the Bituminous Coal Act, the Bituminous Coal Code and Rules and regulations issued thereunder, and that the provisions hereof shall continue in full force and effect in respect to Left Fork Fuel Company, Inc., its representatives, servants, agents, officers, employees, attorneys, receivers, successors and assigns and any and all persons acting or claiming to act on its behalf or in its interest upon any conditional or unconditional restoration of Left Fork Fuel Company, Inc., to membership in the Code under section 5 (c) of the Act.

It is further ordered, That the hearing herein heretofore postponed by order dated March 2, 1942, to a date and place to be thereafter designated by appropriate order be, and the same hereby is, cancelled; and

It is further ordered, That upon any failure to comply with the restraining provisions of this order, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement hereof, or take other appropriate action.

Dated: January 7, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-493; Filed, January 9, 1943; 11:30 a. m.]

[Docket No. B-140]

WASSON COAL CO.

ORDER DIRECTING CODE MEMBER TO CEASE AND DESIST

District Board 10 filed a complaint with the Bituminous Coal Division on November 12, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 alleging wilful violation of section 4 II (e) and 4 II (i) 6 of the Bituminous Coal Act, the Code and rules and regulations thereunder and the Order of the Director, dated October 9, 1940, in General Docket No. 19, by Wasson Coal Company, code member, operating the Wasson Mine (Mine Index No. 183) located in Saline County, Illinois, in District 10. The complaint prayed that the Division cancel and revoke code membership, or, in its discretion, direct it to cease and desist from further violation of the Code and regulations thereunder.

Complainant alleged that during the period from November 18, 1940 to May 27, 1941, both dates inclusive, code member sold substantial quantities of reject or gob (refuse) coal produced at Mine Index No. 183 to H. A. Foster, Muddy, Illinois, at a price of two cents per net ton, whereas no minimum prices had been established for such coals; or, in the alternative, during the period from November 18, 1940 to May 27, 1941, both dates inclusive, code member disposed of substantial quantities of various sizes of coals produced at Mine Index No. 183 to H. A. Foster, Muddy, Illinois, at a price of two cents per net ton which was below the effective minimum price for such coals, and that during the period from November 18, 1940 to May 27, 1941, both dates inclusive, code member allowed H. A. Foster, Muddy, Illinois, to reclaim marketable coal from reject or gob (refuse) coal for resale in local competition, thereby allowing a privilege not extended to all purchasers under like terms and conditions.

Pursuant to an order of the Acting Director dated January 14, 1942, and after due notice to interested persons, a hearing in this matter was held on February 20, 1942, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Harrisburg, Illinois, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; Wasson Coal Company and District Board 10 appeared at the hearing and all interested parties joined in waiving the preparation and filing of a report by the Examiner; and the record of the proceeding was thereupon submitted to the undersigned.

The undersigned made Findings of Fact and Conclusions of Law and rendered an opinion in this matter which are filed herewith.

Now, therefore, It is ordered, That Wasson Coal Company, its representatives, servants, agents, employees, attorneys, administrators, successors or assigns, and all persons acting or claiming to act in its behalf or interest, cease and desist from violating the provisions of section 4 II (e) of the Act, the Code and Price Instruction No. 4 of the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments or from otherwise violating the Act, the Code or rules and regulations issued thereunder.

Notice is hereby given to code member that if it, or its representatives, fails or refuses to comply with this order the Division may apply to a Circuit Court of Appeals for the enforcement thereof, or may take other appropriate action as authorized by the Act.

Dated: January 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-494; Filed, January 9, 1943; 11:30 a. m.]

[Docket No. B-141]

WASSON COAL CO.

ORDER DIRECTING CODE MEMBER TO CEASE AND DESIST

District Board 10 filed a complaint on November 12, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 alleging wilful violation of section 4 II (e) and section 4 II (i) 6 of the Act, the Code, and the rules and regulations thereunder, the Order of the Director dated October 9, 1940, in General Docket No. 19, and Rule 6 of section XIII of the Marketing Rules and Regulations, by Wasson Coal Company, code member operating Wasson No. 1 Mine, Mine Index No. 184, located in Saline County, Illinois, in District 10. The complaint prays that the Division revoke and cancel the code membership of Wasson Coal Company, or, in its discretion, direct it to cease and desist from further violations of the Code and regulations thereunder.

Code member filed an answer on February 12, 1942, amended at the hearing.

Pursuant to appropriate orders of the Acting Director, after due notice to interested persons, a hearing in this matter was held on February 20, 1942, before W. A. Shipman, a duly designated

Examiner of the Division, at a hearing room thereof in Harrisburg, Illinois.

All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; District Board 10 and Wasson Coal Company appeared at the hearing, all interested parties waived the preparation and filing of a Report by the Examiner, and the record of the proceeding was thereupon submitted to the undersigned.

The undersigned has made findings of Fact and Conclusions of law and has rendered an opinion which are filed herewith.

Now, therefore, It is ordered, That code member, its agents, representatives, servants, employees, attorneys, successors or assigns, and all persons acting or claiming to act in its behalf or interest, cease and desist from violating section 4 II (e) of the Act, the Code, and Price Instruction No. 4 of the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments, or from otherwise violating the Act, the Code or rules and regulations issued thereunder.

Notice is hereby given to code member that if it, or its representatives, fails or refuses to comply with this Order the Division may apply to a Circuit Court of Appeals for the enforcement thereof, or may take other appropriate action as authorized by the Act.

Dated: January 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-495; Filed, January 9, 1943; 11:30 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

DENVER, COLORADO, SALES AREA

SUSPENSION OF LICENSE FOR MILK

The license for milk, Denver, Colorado, sales area, issued by the Secretary of Agriculture on August 16, 1934, pursuant to the provisions of the Agricultural Adjustment Act of May 12, 1933, is hereby suspended, effective as of 11:59 p. m., m. w. t., January 15, 1943.

This suspension of the said license shall not affect, waive, suspend, or terminate any right, duty, obligation, or liability which shall have arisen or which may hereafter arise in connection with any of the provisions of the said license, provided such right, duty, obligation, or liability was incurred prior to January 15, 1943; and the market administrator under the said license is hereby directed to liquidate the affairs arising under such license in accordance with the provisions thereof and under the direction of the Chief of the Dairy and Poultry Branch, Agricultural Marketing Administration.

Done at Washington, D. C., this 9th day of January 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[1]

[F. R. Doc. 43-536; Filed, January 11, 1943; 11:11 a. m.]

Farm Security Administration.

MISSISSIPPI

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VI. MISSISSIPPI

Union County:	
Locality I. Consisting of Beat 1	$1,581
Locality II. Consisting of Beat 2	1,741
Locality III. Consisting of Beat 3	2,744
Locality IV, Consisting of Beat 4	1,326
Locality V, Consisting of Beat 5	1,443

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved, January 7, 1943.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 43-497; Filed, January 9, 1943, 11: 33 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 R.F. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 11, 1943. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

L. D. Fellman, Harleysville, Pennsylvania; Men's pants; 5 learners (T); December 31, 1943. (This certificate replaces the one issued December 31, 1942, on Form 522.160 (d)).

E. Gutman & Sons, 26th & Reed Streets, Philadelphia, Pennsylvania; Men's wool clothing; 5 percent (T); January 11, 1944.

Ideal Manufacturing Company, 220 Franklin Street, Johnstown, Pennsylvania; Belts & pleating; 5 learners (T); January 11, 1944.

Pioneer Coat Front Co., 1027 Callowhill Street, Philadelphia, Pennsylvania; Canvas fronts and bias binding for men's suits and uniforms; 5 learners (T); January 11, 1944.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-lined Garments Division of the Apparel Industry

Alpheus Aughenbaugh & Henry Perla, Etters P. O., Goldsboro, Pennsylvania;

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

Shirts and jumpers; 10 percent (T); January 11, 1944.

American Pants Manufacturing Company, 306 East Main St., Carbondale, Ill.; Trousers; 10 learners (T); January 11, 1944.

The Bloomfield Company, 115 Schroyer Ave., S. W., Canton, Ohio; Ladies' dresses and slacks; 10 percent (T); January 11, 1944.

Circle Sportswear Company, 731 Miflin Street, Lebanon, Pennsylvania; Ladies' blouses; 10 learners (T); January 11, 1944.

Clinton Garment Company, 906 S. Third St., Clinton, Iowa; Women's wash dresses, equipage for U. S. Government; 10 percent (T); January 11, 1944.

Cohen-Fein Company, Inc., 199 S. Washington St., Wilkes-Barre, Pennsylvania; Government work jungle suits and mountain jackets, civilian work shirts; 10 percent (T); January 11, 1944.

Fuller Uniform Company, 2009½ Main Street, Dallas, Texas; Nurses' uniforms, cooks' clothing, jackets and men's shorts; 10 learners (T); January 11, 1944.

Gainesville Dress Manufacturing Co., Broadway, Gainesville, Texas; Dresses, slack suits, play dresses; 10 learners (T); January 11, 1944.

The Greenwich Company, Mill Hollow, Greenwich, New York; Cotton wash dresses; 10 learners (T); January 11, 1944.

Irene Karol, 808 Washington Ave., St. Louis, Missouri; Junior dresses; 10 learners (T); January 11, 1944.

La Follette Shirt Company, La Follette, Tennessee; Men's dress shirts and Army O. D. shirts; 20 learners (E); July 11, 1943.

Lowell Uniform Company, 92 Bridge Street, Lowell, Massachusetts; Cotton washable wearing apparel; 10 learners (T); January 11, 1944.

Mar-Ann Dress Company, Inc., 120 N. State St., Ephrata, Pennsylvania; Children's wash dresses; 10 percent (T); January 11, 1944.

Mitchell Garment Company, Farmville, Virginia; Children's wash dresses; 10 percent (T); January 11, 1944.

L. Nachman & Sons, 226 S. 11th St., Philadelphia, Pennsylvania; Women's aprons; 5 learners (T); January 11, 1944.

National Sportswear Co., Reedsburg, Wisconsin; Shirts, slack suits, slacks; 5 learners (T); January 11, 1944.

M. Nirenberg Sons, Inc., Fair Haven, Vermont; Shirts; 10 learners (T); January 11, 1944.

Scafaria Bros. Mfg. Co., 428 N. 13th St., Philadelphia, Pennsylvania; Gabardine Waterproof coats; 10 learners (T); January 11, 1944.

Union Frocks, Florence Ave., Union Beach, New Jersey; Dresses; 2 learners (T); January 11, 1944.

Waxahachie Garment Company, So. Jackson St., Waxahachie, Texas; Shirts and pants; 10 percent (T); January 11, 1944.

Williamstown Shirt Mfg. Company, Poplar Street, Williamstown, New Jersey; Ladies' shirt waists; 5 learners (T); January 11, 1944.

Glove Industry

James Churchill Glove Company, 113 W. Maple Street, Centralia, Washington; Work gloves; 5 learners (T); January 11, 1944.

Wells Lamont Smith Corporation, Louisiana, Missouri; Work gloves; 5 percent (T); January 11, 1944 .

Hosiery Industry

Fleetwood Hosiers Ltd., 1238 Locust St., Reading, Pennsylvania; Seamless hosiery; 5 learners (T); January 11, 1944.

Invincible Hosiery Mill, 213 Pearl Street, Reading, Pennsylvania; Seamless hosiery; 3 learners (T); January 11, 1944.

McPar Hosiery Mill, Inc., 110 W. Henderson Street, Marion, North Carolina; Seamless hosiery; 3 learners (T); January 11, 1944.

Silver Knit Hosiery Mills, Inc., 401 S. Hamilton St., High Point, North Carolina; Seamless hosiery; 5 percent (T); January 11, 1944.

Surry Hosiery Mills, Inc., 316 Willow St., Mt. Airy, North Carolina; Seamless hosiery; 5 learners (T); January 11, 1944.

Knitted Wear Industry

Malone Knitting Company, 296 Main Street, Springfield, Massachusetts; Knitted underwear; 5 percent (T); January 11, 1944.

Utica Knitting Co., Mill #1, 1712 Erie St., Utica, New York; Knitted underwear; 5 percent (T); January 11, 1944.

Utica Knitting Co., Mill #2, Schuyler & Columbia Streets, Utica, New York; Knitted underwear; 5 percent (T); January 11, 1944.

Utica Knitting Company, Mill #3, Oriskany Falls, New York; Knitted underwear; 5 percent (T); January 11, 1944.

Utica Knitting Co., Mill No. 6, 700 Whitesboro St., Utica, New York; Knitted underwear; 5 percent (T); January 11, 1944.

Utica Knitting Company, Mill #9, Anniston, Alabama; Knitted underwear; 5 percent (T); January 11, 1944.

Independent Telephone Industry

Central Iowa Telephone Company, Toledo, Iowa; To employ learners as commercial switchboard operators at its Rolfe exchange, located at Rolfe, Iowa until January 11, 1944.

Central Iowa Telephone Company, 304 Security Building, Cedar Rapids, Iowa; To employ learners as commercial switchboard operators at its Tama exchange, located at Tama, Iowa until January 11, 1944.

Rhinelander Telephone Company, 45 N. Stevens Street, Rhinelander, Wisconsin; To employ learners as commercial switchboard operators at its Rhinelander exchange, located at Rhinelander, Wisconsin; until January 11, 1944.

Textile Industry

Bladenboro Cotton Mills, Inc., Bladenboro, North Carolina; Cotton yarns; 3 percent (T); January 11, 1944.

Edward Hyman Company, 1830 S. Hill St., Los Angeles, California; Sheets, pillowcases, napkins, table cloths, towels, shower curtains, hair cloths; 3 learners (T); January 11, 1944.

Quissett Mill, 56 Prospect Street, New Bedford, Massachusetts; Cotton and rayon yarn; 20 learners (T); January 11, 1944.

Ranlo Manufacturing Company, Modena Plant, Gastonia, North Carolina; Yarn from spun rayon; 3 percent (T); January 11, 1944.

Cigar Industry

Amb-A-Tip Cigar Co., 176 Water Street, Jackson, Ohio; Cigars; 55 learners (E); Hand Cigar makers and cigar packers to have a learning period of 200 hours at 30¢ per hour; April 10, 1943.

Signed at New York, N. Y., this 9th day of January 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-517; Filed, January 11, 1943; 9:31 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 314, 414, 424, 521, 522, 532, 537]

TRANSCONTINENTAL & WESTERN AIR, INC., ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Transcontinental & Western Air, Inc., Western Air Lines, Inc., and United Air Lines Transport Corporation for certificates of public convenience and necessity and amendment of existing certificates under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held on January 29, 1943, at 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., January 8, 1943.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-518; Filed, January 11, 1943; 9:37 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 371]

NIPPON YUSEN KAISHA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Nippon Yusen Kaisha, a Japanese corporation, Tokyo, Japan (herein called "NYK"), is a national of a designated enemy country (Japan);

2. Finding that NYK has established branch offices within the United States, namely,

One in San Francisco, California,
One in New York, New York,
One in Chicago, Illinois,
One (a sub-branch office) in Los Angeles, California,
Two in Seattle, Washington (one of which is a passenger ticket office), and
One in Honolulu, Hawaii,

which are engaged in the conduct of business within the United States;

3. Finding that NYK, to the extent that it has such established offices within the United States engaged in the conduct of business within the United States, is a business enterprise within the United States;

4. Finding that the liquidation of NYK, or of all of its American branches, is in the process of administration by Sterling Carr, as trustee in bankruptcy, acting under the judicial supervision of the United States District Court for the Northern District of California, Southern Division;

5. Finding that the property described as follows:

All rights and claims of NYK (including but not limited to those of each and all of its American branches) in and to all property within the United States now held by the aforesaid trustee in bankruptcy or to which said trustee in bankruptcy may be entitled,

is (a) an interest in the aforesaid business enterprise held by a national of an enemy country (Japan), and also is (b) property within the United States owned or controlled by a national of a designated enemy country (Japan), and also is (c) property which is payable or deliverable to, or claimed by, a national of a designated enemy country (Japan) and which (as hereinbefore stated in subparagraph (4) is in the process of administration by a person acting under judicial supervision;

6. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 5, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-454; Filed, January 9, 1943; 11:23 a. m.]

[Vesting Order 564]

ESTATE OF ALFRED M. TOBIAS

In re: Estate of Alfred M. Tobias, deceased—File No. D-28-1502 (E. T. Sec. 210).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Johanna Friedman	Germany.
Freda Friedman	Germany.
Jacob Friedman	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Johanna Friedman, Freda Friedman and Jacob Friedman, and each of them, in and to the Estate of Alfred M. Tobias, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-455; Filed, January 9, 1943; 11:23 a. m.]

[Vesting Order 605]

ESTATE OF SALVATORE ACCARDI

In re: Estate of Salvatore Accardi, deceased—File D-38-311 (E. T. Sec. 310).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Surrogate of Atlantic County, acting as the Clerk of the Atlantic County Orphan's Court, in the State of New Jersey as depositary and acting under the judicial supervision of the Atlantic County Orphan's Court of the State of New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Anna A. Velardo	Italy.
Angelo Accardi	Italy.
Palma A. Spinnato	Italy.
Guiseppe Accardi	Italy.
Maria A. Ferrara	Italy.
Antonio Accardi	Italy.
Guiseppina Accardi	Italy.
Salvatore Accardi	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna A. Velardo, Angelo Accardi, Palma A. Spinnato, Guiseppe Accardi, Maria A. Ferrara, Antonio Accardi, Guiseppina Accardi and Salvatore Accardi in and to the Estate of Salvatore Accardi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–456; Filed, January 9, 1943; 11:27 a. m.]

[Vesting Order 606]

ESTATE OF ANTHONY ARBUCCI

In re: Estate of Anthony Arbucci, deceased—File D–38–1102 (E. T. Sec. 1931).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County:

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Carlo Arbucci	Italy.
Luigi Arbucci	Italy.
Siovomi Arbucci	Italy.
Nuziata Arbucci	Italy.
Antonetta Arbucci	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Carlo Arbucci, Luigi Arbucci, Siovomi Arbucci, Nuziata Arbucci and Antonetta Arbucci and each of them in and to the Estate of Anthony Arbucci, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–457; Filed, January 9, 1943; 11:27 a. m.]

[Vesting Order 607]

TRUST UNDER WILL OF LUIGI BALDOCCHI

In re: Trust under will of Luigi Baldocchi, deceased—File D–38–377 (E. T. Sec. 943).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bank of America National Trust & Savings Association, Trustee, of 300 Montgomery Street, San Francisco, California, acting under the judicial supervision of Superior Court of the State of California, in and for the City and County of San Francisco; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Veneranda Giovannoni	Sorbano del Vescovo, Lucca, Italy.
Alberto Baldocchi	Toringo, Capannori, Italy.
Anna Fedeli	Toringo, Capannori, Italy.
Lola Fedeli	Toringo, Capannori, Italy.
Renzo Fedeli	Toringo, Capannori, Italy.
Marino Fedeli	Toringo, Capannori, Italy.

And determining that –

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Veneranda Giovannoni, Alberto Baldocchi, Anna Fedeli, Lola Fedeli, Renzo Fedeli, and Marino Fedeli, and each of them, in and to the Trust Estate created under the Last Will and Testament of Luigi Baldocchi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–458; Filed, January 9, 1943; 11:27 a. m.]

[Vesting Order 608]

ESTATE OF HARRY PETER BRAIG

In re: Estate of Harry Peter Braig, deceased—File D–28–1550 (E.T. Sec. 222).

Under the authority of the Trading with the Enemy Act as amended, Exec-

utive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Phil C. Katz as Public Administrator acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Helene Mueller	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Helene Mueller in and to the Estate of Harry Peter Braig, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–459; Filed, January 9, 1943; 11:26 a. m.]

[Vesting Order 609]

ESTATE OF ANGELO FRANK

In re: Estate of Angelo Frank, deceased—File D–38–353 (E.T. Sec. 370).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Bank of America National Trust and Savings Association, Executor, acting under the judicial supervision of the Superior Court of Santa Clara, California;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Angelo Frank	Italy.
Piccarda Frank	Italy.
Jole Frank	Italy.
Zita Frank	Italy.
Celestino Frank	Italy.
Martina Frank	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Angelo Frank, Piccarda Frank, Jole Frank, Zita Frank, Celestino Frank and Martina Frank and each of them in and to the Estate of Angelo Frank, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or, the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–460; Filed, January 9, 1943; 11:26 a. m.]

[Vesting Order 610]

ESTATE OF CARL GANZENMULLER

In re: Estate of Carl Ganzenmuller, deceased—File D–28–1429 (E. T. Sec. 39).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Surrogate of Union County, acting as the Clerk of the Union County Orphan's Court, in the State of New Jersey as depositary and acting under the judicial supervision of the Union County Orphan's Court of the State of New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Matthias Ganzenmuller	Germany.
Maria Stolz	Germany.
Pauline Mailander	Germany.
Herman Ganzenmuller	Germany.
Otto Ganzenmuller	Germany.
Karl Ganzenmuller	Germany.
Babette Ganzenmuller	Germany.
Babette Wahl	Germany.
Babette Hieber	Germany.
Pauline Ganzenmuller	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Matthias Ganzenmuller, Maria Stolz, Pauline Mailander, Herman Ganzenmuller, Otto Ganzenmuller, Karl Ganzenmuller, Babette Ganzenmuller, Babette Wahl, Babette Hieber and Pauline Ganzenmuller in and to the Estate of Carl Ganzenmuller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the

date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-461; Filed, January 9, 1943; 11:26 a. m.]

[Vesting Order 611]

ESTATE OF GUIDO GIRELLI

In re: Estate of Guido Girelli, deceased—File F-38-2648 (E. T. Sec. 749).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Aida Nobile, administratrix of the estate of Guido Girelli, deceased, acting under the judicial supervision of the Orphans Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Tertulliano Girelli	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Tertulliano Girelli in and to the Estate of Guido Girelli, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-462; Filed, January 9, 1943; 11:26 a. m.]

[Vesting Order 612]

ESTATE OF ARTHUR VON HOLWEDE

In re: Estate of Arthur von Holwede, deceased—File D-28-1470 (E. T. Sec. 143).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Theodore E. Steinway, Ancillary Executor, of 126 East 65th Street, New York, N. Y., acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Otto Felix Walter von Holwede.	Spitalerstrasse, 1, Hamburg, Germany.
Ernst Haas	Spitalerstrasse, 1, Hamburg, Germany.
Sophie Dorothea von Holwede.	Spitalerstrasse, 1, Hamburg, Germany.
Marie Jenny Elso Haas.	Spitalerstrasse, 1, Hamburg, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Otto Felix Walter von Holwede and Ernst Haas, as domiciliary executors, and of Sophie Dorothea von Holwede, Otto Felix Walter von Holwede and Marie Jenney Elsa Haas, and each of them, as heirs, devisees and next of kin, in and to the Estate of Arthur von Holwede, deceased,

to be held, used, administered, liquidated sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-463; Filed, January 9, 1943; 11:26 a. m.]

[Vesting Order 613]

ESTATE OF ELIA IACOPI

In re: Estate of Elia Iacopi, deceased—File D-38-334 (E. T. Sec. 424).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry Passaglia, Executor of the estate of Elia Iacopi, deceased, acting under the judicial supervision of the Superior Court of San Joaquin County, California;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Giuseppe Iacopi	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Giuseppe Iacopi in and to the Estate of Elia Iacopi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be

held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–464; Filed, January 9, 1943; 11:25 a. m.]

[Vesting Order 614]

ESTATE OF TAKESABURO KAZAMA

In re: Estate of Takesaburo Kazama, deceased—File F–39–2432 (E. T. Sec. 1961).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals:	*Last known address*
Katsu Kazama	Japan.
Shinya Kazama	Japan.
Masako Kazama	Japan.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Katsu Kazama, Shinya Kazama and Masako Kazama in and to the estate of Takesaburo Kazama, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–465; Filed, January 9, 1943; 11:25 a. m.]

[Vesting Order 615]

ESTATE OF HERMAN B. LITTEN

In re: Estate of Herman B. Litten, deceased—File D–28–1474, (E. T. Sec. 217).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Birmingham Trust & Savings Company as Executor acting under the judicial supervision of the Probate Court of Jefferson County, Alabama;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
James Fischer	Berlin, Germany.
Emmy Lublinski	Berlin, Germany.
Elsie Springer	Berlin, Germany.
Zelina Sontag	Berlin, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of James Fischer, Emmy Lublinski, Elsie Springer and Zelina Sontag and each of them in and to the estate of Herman B. Litten, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–466; Filed, January 9, 1943; 11:25 a. m.]

[Vesting Order 616]

ESTATE OF CHARLES F. MACHER

In re: Estate of Charles F. Macher, deceased—File D–28–1460 (E. T. Sec. 117).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Birmingham Trust and Savings Company, Executor, of 112 North 20th Street, Birmingham, Alabama, acting under the judicial supervision of Probate Court of the State of Alabama, in and for the County of Jefferson;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Catherine Stuetzler	Nurenberg, Germany.
William Macher	Nurenberg, Germany.
Karl Leonhardt	Berlin, Germany.
Ernst Lombardt	Berlin, Germany.
Paul Leonhardt	Berlin, Germany.
Lotte Klinger	Eichwalden, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Or-

der or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Catherine Stuetzler, William Macher, Karl Leonhardt, Ernst Leonhardt, Paul Leonhardt, and Lotte Klinger, and each of them, in and to the Estate of Charles F. Macher, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–467; Filed, January 9, 1943; 11:25 a. m.]

[Vesting Order 617]

ESTATE OF REV. JOHN MAYER

In re: Estate of Rev. John Mayer, deceased—File No. D–28–1759 (E. T. Sec. 961).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Michael Mayer	Germany.
Georg Mayer	Germany.
Kaspar Mayer	Germany.
Josef Mayer	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Michael Mayer, Georg Mayer, Kaspar Mayer and Josef Mayer and each of them in and to the Estate of Rev. John Mayer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year fror the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–468; Filed, January 9, 1943; 11:25 a. m.]

[Vesting Order 618]

TRUST UNDER WILL OF CHARLES MENNIG

In re: Trust under will of Charles Mennig, deceased—File D–28–3328 (E. T. Sec. 760).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Title Insurance and Trust Company, Trustee, of 433 S. Spring Street, Los Angeles, California, acting under the judicial supervision of Superior Court of the State of California, in and for the County of Los Angeles; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Johann Anton Mennig.	Buechold, Unter Franken, Bavaria, Germany.
Karl Josef Mennig	Buechold, Unter Franken, Bavaria, Germany.
Mary Mennig	Buechold, Unter Franken, Bavaria, Germany.
Helene Wendel	Buechold, bei Arnstein, Unter Franken, Bavaria, Germany.
Josephine Friedrich	Werneck No. 25, Unter Franken, Bavaria, Germany.
Karl Friedrich	Buechold, bei Arnstein, Unter Franken, Bavaria, Germany.
Johann Friedrich	Buechold, bei Arnstein, Unter Franken, Bavaria, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Johann Anton Mennig, Karl Josef Mennig, Mary Mennig, Helene Wendel, Josephine Friedrich, Karl Friedrich, and Johann Friedrich, and each of them, in and to the Trust Estate created under the Last Will and Testament of Charles Mennig, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-469; Filed, January 9, 1943; 11:25 a. m.]

[Vesting Order 619]

ESTATE OF JOHN MEYER

In re: Estate of John Meyer, deceased—File No. D-28-856 (E. T. Sec. 180).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mrs. Margaret Hanssen and Miss Margaret Hanssen executrixes and Gustave Breithaupt, executor of the estate of John Meyer, deceased, acting under the judicial supervision of the Orphan's Court, of the County of Hudson and State of New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Heinrich Meyer whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Heinrich Meyer in and to the Estate of John Meyer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-470; Filed, January 9, 1943; 11:24 a. m.]

[Vesting Order 620]

ESTATE OF MATILDA MUTTACH

In re: Estate of Matilda Muttach, also known as Mathilda Muttach, deceased—File F-28-13990 (E. T. Sec. 531).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Margaret D. Perkins, Administratrix, Beverly, New Jersey, of the estate of Matilda Muttach, also known as Mathilda Mattuch, deceased, acting under the judicial supervision of the Orphans Court of Philadelphia County, Philadelphia, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Christian Breitenbucher	Germany.
Mrs. Katharina Fink	Germany.
Otto Schmid	Germany.
Robert Schmid	Germany.
Mrs. Mathilde Denk	Germany.
Karl Schmid	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Christian Breitenbucher, Mrs. Katharina Fink, Otto Schmid, Robert Schmid, Mrs. Mathilde Denk and Karl Schmid, and each of them, in and to the Estate of Matilda Muttach, also known as Mathilda Muttach, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-471; Filed, January 9, 1943; 11:24 a. m.]

[Vesting Order 621]

ESTATE OF WILLIAM MUTTACH

In re: Estate of William Muttach, deceased—File F-28-13990 (E. T. Sec. 531).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Alexander Walter, Administrator of the estate of William Muttach, deceased, acting under the judicial supervision of the Orphans Court of Philadelphia County, Philadelphia, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Ambros Muttach	Germany.
Josef Muttach	Germany.
Bertha Benz	Germany.
Max Wieber	Germany.
Anna Muttach	Germany.
Maria Maier	Germany.
Fritz Muttach	Germany.
Karl Muttach	Germany.
Ruth Muttach	Germany.
Albert (Kuno) Muttach	Germany.
Hildegard Muller	Germany.
Albert Muttach	Germany.
Josef Muttach	Germany.
Johann Muttach	Germany.
Hilda Muller	Germany.
Karl Muttach	Germany.
Bibiana Brucker	Germany.
Lina Hassur	Germany.
Karl Rath	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ambros Mut-

tach, Josef Muttach, Bertha Benz, Max Wieber, Anna Muttach, Maria Maier, Fritz Muttach, Karl Muttach, Ruth Muttach, Albert (Kuno) Muttach, Hildegard Muller, Albert Muttch, Josef Muttach, Johann Muttach, Hilda Muller, Karl Muttach, Bibiana Brucker, Lina Hassur and Karl Rath and each of them, in and to the Estate of William Muttach, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–472; Filed, January 9, 1943; 11:24 a. m.]

[Vesting Order 622]

TRUST UNDER WILL OF ILSE NEUMANN

In re: Trust under will of Ilse Neumann, deceased—File D–28–1656 (E. T. Sec. 495).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Security-First National Bank of Los Angeles, Trustee, of 561 South Spring Street, Los Angeles, California, acting under the judicial supervision of Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely, Miss Berta Tucholsky, whose last known address is c/o R. Hirsch, W. 15 Xanter St., #22 Berlin, Germany; and

Determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Miss Berta Tucholsky in and to the Trust Estate created under the Last Will and Testament of Ilse Neumann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national or a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–473; Filed, January 9, 1943; 11:24 a. m.]

[Vesting Order 623]

ESTATE OF ELIZABETH CURTIS MARQUISE DE TALLEYRAND PERIGORD

In re: Estate of Elizabeth Curtis Marquise de Talleyrand Perigord—File F–38–1051 (E. T. Sec. 577).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the City Bank Farmers Trust Company as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely, Palma Ruspoli (Princess de Poggio Suasa), whose last known address is Italy;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Palma Ruspoli (Princess de Poggio Suasa) in and to the Estate of Elizabeth Curtis Marquise de Talleyrand Perigord, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–474; Filed, January 9, 1943; 11:24 a. m.]

[Vesting Order 624]

ESTATE OF FRED SCHOLLE

In re: Estate of Fred Scholle, deceased—File D–28–1648; (E. T. Sec. 481).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Fred D. Huning, c/o Huning Mercantile Company, Los Lunas, New Mexico and First National Bank in Albuquerque, 223 West Central Avenue, Albuquerque, New Mexico, Co-executors and Trustees, acting under the judicial supervision of Probate Court of the State of New Mexico, in and for the County of Valencia;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Ida Niemeyer	Germany.
Otto Huning	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ida Niemeyer and Otto Huning, and each of them, in and to the Estate of Fred Scholle, deceased, and all right, title, interest, and claim of any kind or character whatsoever of Ida Niemeyer and Otto Huning, and each of them, in and to a trust created under the will of Fred Scholle, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–475; Filed, January 9, 1943; 11:23 a. m.]

[Vesting Order 625]

ESTATE OF HELEN A. VAN INWEGEN

In re: Estate of Helen A. Van Inwegen, deceased—File D–28–1544) E. T. Sec 287).

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William P. Duff as Executor acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Marie Schoenberger	Berlin, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Schoenberger in and to the Estate of Helen A. Van Inwegen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–476; Filed, January 9, 1943; 11:23 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT LB–4, Revised]

CHICAGO SURFACE LINES

REDUCTION OF MILEAGE

Directing reduction of mileage of Chicago Surface Lines, Chicago, Ill.

Pursuant to Executive Orders Nos. 8989, 9156 and 9294,[1] and in order to conserve and providently utilize vital equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, Special Order ODT LB–4[2] is hereby revised and amended, to read as set forth herein: *It is hereby ordered,* That:

1. As used herein, the term:

(a) "Bus" means any rubber-tired vehicle propelled or drawn by mechanical power and used upon the streets or highways (but not on rails) for the transportation of passengers, and including trolley buses;

(b) "Bus miles" includes all miles of actual bus operation, whether in passenger service or otherwise;

(c) "Base month" means the corresponding calendar month of the twelve (12) month period ending October 31, 1942.

2. Except as provided in paragraph 3 of this order, Walter J. Cummings and Daniel C. Green, as receivers of Chicago Railways Company, a corporation, and Edward J. Fleming and Charles H. Albers, as receivers of Chicago City Railway Company, Calumet and South Chicago Railway Company, and The Southern Street Railway Company, corporations, doing business as Chicago Surface Lines, of Chicago, Illinois, (hereinafter referred to as the "carrier"), in the transportation of passengers on the routes served by said carrier in the city and suburbs of Chicago, Illinois, as a common carrier by motor vehicle, shall not operate in any calendar month a greater number of bus miles than eighty-five per cent (85%), of the total bus miles operated by said carrier during the base month as herein defined. For the purposes of computing the mileage reduction required by this order:

(a) If operations of said carrier were increased between the month for which current reduction of mileage is being computed and the base month, as a result of the acquisition of bus operations of another carrier, there shall be added, to the bus miles that were operated by the acquiring carrier during the base month, the bus miles that were operated during that month in the acquired operations, or if such operations were not conducted during the base month, then during the last month of such operations conducted prior to the date of acquisition;

(b) If operations of said carrier were decreased, between the month for which current reduction of mileage is being computed and the base month, as a result of the sale, lease or transfer of bus operations, there shall be subtracted, from the bus miles operated by said carrier during the base month, the bus miles operated during that month in the operations sold leased or transferred.

3. For the purpose of providing, at times of changes of work shifts, transportation service to and from plants, not located on routes established prior to December 7, 1941, engaged in the production of war materials, the carrier may operate in each calendar month, in addi-

[1] 6 F.R. 6725; 7 F.R. 3349; 8 F.R. 221.

[2] 7 F.R. 9260.

tion to the number of miles allowed under paragraph 2 of this order, such additional mileage as may be specified by special authorization issued by the Regional Office of the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois. Written application for such special authorization shall be submitted to said Regional Office not later than ten (10) days prior to the period for which special authorization for additional mileage is sought. Such application shall specifiy an estimate of the total amount of additional mileage applied for, the terminals between which the additional mileage will be operated, the number of additional bus miles to be operated between such terminals, the names and locations of the plants to be served, and the general nature of the war materials produced by each such plant.

4. The carrier forthwith shall suspend operation of its bus routes designated as the Kimball Avenue, Kimball-Homan-Central Park, and Ogden Avenue routes, respectively, described in Appendix 1 to this order.

5. The carrier forthwith shall:

(a) File with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this Special Order ODT LB-4, Revised, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order;

(b) Apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice;

(c) File with such regulatory body or bodies a copy of this Special Order ODT LB-4, Revised, and a notice describing the operations to be suspended in compliance therewith.

6. This Special Order ODT LB-4, Revised, on and after the effective date hereof, shall supersede the provisions of Special Order ODT LB-4.

7. Communications concerning this order should refer to "Special Order ODT LB-4, Revised" and should be addressed to the Regional Office of the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois.

8. This Special Order ODT LB-4, Revised, shall become effective January 12, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 9th day of January, 1943.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

APPENDIX I

(Describing bus routes referred to in paragraph 4.)

Kimball Avenue Route: From Glenlake Avenue and Kimball Avenue via Kimball Avenue, Wrightwood Avenue, Logan Square, Milwaukee Avenue, Kimball Avenue, Peterson Avenue, Christiana Avenue and Glenlake Avenue to Glenlake Avenue and Kimball Avenue.

Kimball-Homan-Central Park Route: From 26th Street and Central Park Avenue via 26th Street, Millard Avenue, 25th Street, Central Park Avenue, Grenshaw Street, Homan Avenue, Kimball Avenue, Altgeld Street, Spaulding Avenue, Wrightwood Avenue, Kimball Avenue, Homan Avenue, Grenshaw Street and Central Park Avenue to 26th Street and Central Park Avenue.

Ogden Avenue Route: From Ogden Avenue and Clark Street via Clark Street, Wisconsin Street, Ogden Avenue, Arcade Place, Paulina Street, Monroe Street and Ogden Avenue to Ogden Avenue and Clark Street.

[F. R. Doc. 43-499; Filed, January 9, 1943; 11:54 a. m.]

TOLEDO, PEORIA & WESTERN RAILROAD

[Order No. 2]

APPOINTMENT OF FEDERAL MANAGER OF PROPERTIES

Pursuant to authority vested in me by Executive Order No. 9108, dated March 21, 1942, Holly Stover is hereby appointed Federal Manager of the Properties of the Toledo, Peoria & Western Railroad, with full authority, subject to my direction, to take immediate possession of and assume control over all real and personal property, franchises, rights, and other assets, tangible and intangible, of the Toledo, Peoria & Western Railroad now in the possession and under the control of John W. Barriger under and by virtue of Order No. 1, dated March 21, 1942, and to operate or arrange for the operation of such railroad properties in such manner as may be necessary for the successful prosecution of the war, through or with the aid of such public or private agencies, persons, or corporations as he may designate.

John W. Barriger is ordered and directed forthwith to turn over and deliver to Holly Stover all real and personal property, franchises, rights, and other assets, tangible and intangible, of the Toledo, Peoria & Western Railroad which are now in his possession and under his control under and by virtue of Order No. 1, dated March 21, 1942. The appointment of John W. Barriger as Federal Manager of such properties, dated March 21, 1942, is hereby revoked, effective this date.

This appointment shall remain effective until my further order.

Dated at Washington, D. C., this 1st day of January, 1943.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 43-498; Filed, January 9, 1943; 11:54 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 27 Under RPS 57]

THE BEATTIE MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICE

Order No. 27 under Revised Price Schedule No. 57—Wool Floor Covering.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Beattie Manufacturing Company may sell, offer to sell, deliver or transfer the new fabrics designated as Special Sterling and Caldwell at prices no higher than those set forth below

Special Sterling at $22.00 for the 9 x 12 size f. o. b. mill,

Caldwell at $2.05 per square yard f. o. b. mill roll,

Caldwell at $25.50 for the 9 x 12 size f. o. b. mill,

subject to discounts, allowances, and rebates no less favorable than those in effect as to Biltwell and Oritana respectively under § 1352.1 of Revised Price Schedule No. 57. Other sizes and zone maximum prices of Special Sterling and Caldwell shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the square yard f. o. b. mill or the 9 x 12 size f. o. b. mill and the other zone maximum prices of Biltwell and Oritana respectively.

(b) This Order No. 27 may be revoked or amended by the Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 27 shall become effective on the 11th day of January, 1943.

Issued this 9th day of January, 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-448; Filed, January 9, 1943; 10:08 a. m.]

[Order 59 Under RPS 64]

SOUTHERN COOPERATIVE FOUNDRY CO.

APPROVAL OF MAXIMUM PRICE

Order No. 59 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On December 17, 1942, the Southern Cooperative Foundry Company, Rome, Georgia, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal heating stove designated in the application as model 201.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Southern Cooperative Foundry Company may sell, offer to sell, transfer or deliver its model 201 coal heating stove at a price no higher than $28.28 f. o. b. factory to dealers, subject to discounts,

allowances and terms no less favorable than those in effect with respect to the comparable model 218.

(b) This Order No. 59 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 59 shall become effective on the 11th day of January 1943.

Issued this 9th day of January, 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-449; Filed, January 9, 1943; 10:09 a. m.]

[Order 115 Under MPR 188]

ACE UPHOLSTERING CO.

ORDER GRANTING ADJUSTMENT

Order No. 115 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF1-921-P.

Granting an adjustment of maximum prices for a certain studio couch suite manufactured by Ace Upholstering Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Administrator under the Emergency Price Control Act of 1942, as amended by Executive Order No. 9250, *It is ordered:*

(a) Wallace S. Pickens and Florence B. Pickens, doing business as Ace Upholstering Company at 1014 West Main Street, Oklahoma City, Oklahoma may sell and deliver the studio couch suite and platform rocker described in their protest, Docket No. GF1-921-P, filed October 26, 1942 with the Office of Price Administration, Washington, D. C., at prices no higher than $49.75 and $19.95 respectively, subject to the usual discounts, allowances, and other differentials in effect during March 1942.

(b) Before the first sale of a studio couch suite or platform rocker the price set forth in paragraph (a) hereof, Ace Upholstering Company shall notify the buyer in writing:

The Office of Price Administration has authorized an increase in the maximum price of this article from $——— to $——— (inserting correct figure). This represents only that part of our cost increases which we are unable to absorb and was granted with the provision that your maximum prices remain the same.

(c) This Order No. 115 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 115 shall become effective January 11, 1943.

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-450; Filed, January 9, 1943; 10:08 a. m.]

[Order 116 Under MPR 188]

COLONIAL WOOD PRODUCTS CO.

APPROVAL OF MAXIMUM PRICE

Order No. 116 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum price for sale by Colonial Wood Products Company of children's play yards. For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Colonial Wood Products Company, 329 Glendale Boulevard, Los Angeles, California is authorized to sell and deliver the children's play pen described in letter to the Office of Price Administration, dated October 23, 1942, at a price no higher than $4.00 f. o. b. factory.

(b) This Order No. 116 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 116 shall become effective on the 11th day of January 1943.

Issued this 9th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-506; Filed, January 9, 1943; 12:21 p. m.]

[Order 137 Under MPR 120]

SHAWMUT MINING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 137 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-281.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Shawmut Mining Company, Elk County, Pennsylvania, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein;

(b) Coals produced by the Shawmut Mining Company, Elk County, Pennsylvania, at its Proctor No. 1 (Mine Index No. 401), Proctor No. 2 (Mine Index No. 402), Mine No. 5 (Mine Index No. 466), and Mine No. 42 (Mine Index No. 467) mines in District No. 1, may be sold and purchased f. o. b. mine for shipment by rail at prices per net ton not to exceed $3.00, $3.00, $2.75, $2.60, and $2.50 in Size Groups 1, 2, 3, 4, and 5, respectively.

(c) Within thirty (30) days from the effective date of this order, Shawmut Mining Company shall notify all persons purchasing its coals of the adjustments granted by this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122;

(d) This Order No. 137 may be revoked or amended by the Price Administrator at any time;

(e) All prayers of the petition not granted herein are hereby denied;

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(g) This Order No. 137 shall become effective January 12, 1943.

Issued this 11th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-541; Filed, January 11, 1943; 11:47 a. m.]

[Order 40 Under MPR 122]

NEWARK COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 40 under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket No. 3122-249.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.257 (a) of Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) Newark Coal Company of Newark, New Jersey, may sell and deliver rice coal to the Board of Education of Orange, New Jersey, and that purchaser may buy and receive said coal from Newark Coal Company at prices not in excess of $5.70 per ton;

(b) This Order No. 40 may be revoked or amended by the Price Administrator at any time;

(c) All prayers of the petition not herein granted are hereby denied;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(e) This Order No. 40 shall be effective as of September 21, 1942.

Issued this 11th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-540; Filed, January 11, 1943; 11:48 a. m.]

[Order 117 Under MPR 188]

CROW CREEK GRAVEL & SAND CO.

AUTHORIZATION OF MAXIMUM PRICE

Order No. 117 under § 1499.158 of Maximum Price Regulation No. 188—

*Copies may be obtained from the Office of Price Administration.

Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a maximum price for Washed and Graded Gravel for Crow Creek Gravel & Sand Company.

For the reasons set forth in an opinion which has been issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) Specific authority is hereby given to Crow Creek Gravel and Sand Company, P. O. Box 828, Forrest City, Arkansas, to sell and deliver washed and graded gravel "passing a 3" round screen and retained on a 1½" round screen" @ $1.25 per ton f. o. b. plant, Forrest City, Arkansas and to price previous shipments already delivered in accordance with the price contained herein.

(b) The applicant shall submit such reports to the Office of Price Administration as it may from time to time require.

(c) This Order No. 117 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 117 shall become effective January 12, 1943.

Issued this 11th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-542; Filed, January 11, 1943; 11:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-659]

INTERNATIONAL UTILITIES CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of January A. D. 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than January 23, 1943, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request, that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

International Utilities Corporation, a registered holding company, proposes to pay out of capital or unearned surplus a regular quarterly dividend on its $3.50 Prior Preferred Stock at the rate of 87½¢ per share on the 97,370 shares of such stock presently outstanding. The aggregate amount of this dividend will be $85,198.75.

By the Commission.

[SEAL] ORVALL L. DUBOIS,
Secretary.

[F. R. Doc. 43-440; Filed, January 8, 1943; 2:30 p. m.]

[File No. 812-284]

AMERICAN RAILWAYS CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of January, A. D. 1943.

American Railways Corporation, a registered investment company, has filed an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order temporarily exempting it from the provisions of section 32 (a) of said Act, to the extent that the financial statements filed and to be filed by the applicant with the Securities and Exchange Commission for the fiscal years 1941 and 1942, may be certified by Arthur Andersen & Co.

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on January 22, 1943 at 10 o'clock A. M., E. W. T. of that day in room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Charles S. Lobingier, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-508; Filed, January 9, 1943; 2:16 p. m.]

[File No. 70-21]

INTERNATIONAL UTILITIES CORPORATION

NOTICE OF FILING AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of January, A. D. 1943.

Notice is hereby given that an amendment to an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by International Utilities Corporation. All interested persons are referred to said document which is on file in the office of this Commission for a statement of the matters therein proposed which are summarized as follows:

International Utilities Corporation, a registered holding company, whose application to purchase Collateral Trust Bonds, 6½% Series, of its subsidiary company, Dominion Gas and Electric Company, in the principal amount of $1,442,500 had been granted on the condition, among others, of consummating such acquisitions by December 31, 1942, had purchased as of December 3, 1942, $1,079,500 principal amount of such bonds. The company requests an extension of time to December 31, 1943 within which to purchase the remaining $363,000 principal amount of the bonds. Furthermore, International proposes to acquire an additional $500,000 principal amount of such bonds.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that the hearings herein should be reconvened for the purpose of considering the above described amendment and that said application as amended shall not be granted except pursuant to further order of this Commission;

It is ordered, That the hearings in this proceeding be reconvened on February 2, 1943 at 10:00 a. m., E. W. T., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the hearing-room designated on said day by the hearing-room clerk in Room 318. At such hearing, cause shall be shown why such application as amended shall be granted. Notice is hereby given of said hearing to the above named applicant and to all interested persons, said notice to be given to said declarant or applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by

said application as amended otherwise to be considered in this proceeding, particular attention will be directed at said hearing to the following matters and questions:

1. Whether International Utilities Corporation's acquisition of the bonds of its subsidiary company, Dominion Gas and Electric Company, will tend towards interlocking relations or the concentration of control of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.

2. Whether such acquisition will unduly complicate the capital structure of the International Utilities Corporation system or will be detrimental to the public interest or the interest of investors or consumers or to the proper functioning of such holding-company system.

3. Whether such acquisition is detrimental to the carrying out of the provisions of section 11 of the Act.

4. Whether such acquisition will serve the public interest by tending towards the economical and efficient development of an integrated public utility system.

5. What, if any, terms and conditions with respect to such acquisition should be prescribed in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-510; Filed, January 9, 1943; 2:16 p. m.]

[File Nos. 54-47, 59-43]

JACKSONVILLE GAS COMPANY AND AMERICAN GAS AND POWER COMPANY

NOTICE OF FILING, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of January, A. D. 1943.

Public Utility Holding Company Act of 1935—Sections 11 (b) (2), 11 (e) and 15 (f)

The Commission, on December 8, 1942, having issued its supplemental order approving certain minor modifications of the Plan of Jacksonville Gas Company tc effectuate the provisons of section 11 (b) of the Public Utility Holding Company Act of 1935; and

The Commission in said order having approved, among other things, the proposed First Mortgage and Deed of Trust from Jacksonville Gas Corporation to The Florida National Bank of Jacksonville as Trustee annexed as Exhibit R (2nd revision) to Amendment No. 8 to the Application of Jacksonville Gas Company herein; and

Jacksonville Gas Company having thereafter filed with the Commission Amendment No. 10 to its said Application, requesting approval by the Commission of the proposed First Mortgage and Deed of Trust from Jacksonville Gas Corporation to The Florida National Bank of Jacksonville as Trustee, annexed as Exhibit R (3rd revision) to said Amendment No. 10, and requesting that the Commission's order to be entered on said Amendment No. 10 recite that all transactions contemplated by said Plan as modified are necessary or appropriate to the integration or simplification of the holding company system of American Gas and Power Company and to effectuate the provisions of section 11 (b) of the Act; and

It appearing to the Commission that the changes in said proposed First Mortgage and Deed of Trust contained in said Exhibit R (3rd revision) are minor corrections and do not effect any changes of substance in said proposed First Mortgage and Deed of Trust, or any further modifications of said Plan as heretofore modified; and

It further appearing to the Commission that it is appropriate to make the findings specified in Chapter 1, Subchapter C, Supplement R of the Internal Revenue Code, sections 371 to 373 inclusive, as amended by section 171 of the Revenue Act of 1942: *It is ordered,* That:

The proposed First Mortgage and Deed of Trust from Jacksonville Gas Corporation to The Florida National Bank of Jacksonville as Trustee annexed as Exhibit R (3rd revision) to Amendment No. 10 to the Application of Jacksonville Gas Company herein be and the same is hereby approved in the place and stead of Exhibit R (2nd revision) to Amendment No. 8 to said Application.

It is further ordered, and the Commission hereby finds, That all transactions contemplated by the Plan as heretofore modified of Jacksonville Gas Company to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, including the conveyance and transfer by Jacksonville Gas Company to Jacksonville Gas Corporation of all its property, real and personal, and the issuance, exchange and distribution of securities of Jacksonville Gas Corporation and of cash to Jacksonville Gas Company and to the security holders of Jacksonville Gas Company are necessary or appropriate to the integration or simplification of the holding company system of American Gas and Power Company and to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, said properties and securities to be conveyed, transferred, issued, exchanged and distributed being specifically itemized in the Findings and Opinion of the Commission herein made on May 27, 1942, in the Supplemental Findings and Order of the Commission made and entered herein on May 28, 1942 and in the Second Supplemental Findings and Opinion and Supplemental Order of the Commission made and entered herein on December 8, 1942.

It is further ordered, That all of the provisions of the orders of the Commission entered herein on May 28, 1942, and December 28, 1942, respectively, except as to any provisions thereof inconsistent herewith, be continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-509; Filed, January 9, 1943; 2:16 p. m.]

[File Nos. 70-651, 70-660]

SOUTHWESTERN PUBLIC SERVICE COMPANY AND JAMES C. TUCKER

NOTICE OF FILING AND ORDER FOR HEARING AND ORDER CONSOLIDATING HEARINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of January, A. D. 1943.

Notice is hereby given that on January 5, 1943 James C. Tucker, as an individual, filed a declaration or application (or both) with this Commission, pursuant to the Public Utility Holding Company Act of 1935. The declaration or application (or both) is filed under section 9 (a) (2) and section 10 of the Act, as applicable to the transaction. All interested parties are referred to said documents, which are on file in the office of this Commission, for a complete statement of the transactions therein proposed, which are summarized as follows:

James C. Tucker proposes to purchase from Southwestern Public Service Company, a registered holding company, all of the outstanding capital stock (being all of the securities) of two subsidiaries of said Southwestern Public Service Company, to wit: Arizona Electric Power Company and Flagstaff Electric Light Company, for the aggregate purchase price of $775,000 cash.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application (or both), and that said declaration or application (or both) shall not become effective or be granted except pursuant to further order of the Commission; and

It further appearing to the Commission that on December 14, 1942, the said Southwestern Public Service Company filed a declaration or application (or both) with this Commission, under section 12 (d) of the Act and Rule U-44 of the rules and regulations promulgated thereunder, proposing to sell to the said James C. Tucker all of the outstanding capital stock (being all of the securities) of the said Arizona Electric Power Company and Flagstaff Electric Light Company, for the aggregate purchase price of $775,000; and

It further appearing to the Commission that under date of December 28, 1942, the Commission gave notice of the filing of said declaration or application (or both) of said Southwestern Public Service Company, and ordered that a hearing be held thereon on January 14, 1943 at 10:00 o'clock, E. W. T., in the offices of the Securities and Exchange Commission at Philadelphia, Pennsylvania; and

It further appearing to the Commission that the proceedings upon the declarations or applications (or both) of the said James C. Tucker and of the Southwestern Public Service Company involve common questions of law and fact and should be consolidated and heard together and that, to that end, said hearing now set for January 14, 1943 upon the declaration or application (or both) of the said Southwestern

Public Service Company should be postponed;

It is ordered, That a hearing on said declaration or application (or both) of said James C. Tucker under the applicable provisions of the Act and the rules of the Commission thereunder be held on January 21, 1943 at 10:00 A. M., E. W. T., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That the hearing upon the said declaration or application (or both) of Southwestern Public Service Company heretofore set for January 14, 1943, be and the same hereby is postponed to January 21, 1943 at 10:00 A. M., E. W. T., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania;

It is further ordered, That the proceedings upon the said declarations or applications (or both) of said James C. Tucker and of Southwestern Public Service Company be and they are hereby consolidated for the purpose of hearing.

Notice of such hearing is hereby given to said James C. Tucker and to said Southwestern Public Service Company and to any other person whose participation in said proceedings may be in the public interest or for the protection of investors and consumers.

On the day hereinabove indicated for such joint hearing, the hearing-room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such consolidated hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That at said hearing without limiting the scope of the issues presented by said declarations or applications (or both), particular attention shall be directed to the following matters:

1. Whether the consideration to be paid by the purchaser, James C. Tucker, and to be received by Southwestern for all of the outstanding capital stock of Arizona Electric Power Company and Flagstaff Electric Light Company is fair and reasonable;

2. The identity of the purchaser, his interest in any other public utility, and whether or not his acquisition of the proposed securities of the Arizona Electric Power Company and Flagstaff Electric Light Company will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system, and whether such acquisition will tend towards interlocking relations or concentration of control of public utility companies of a kind or to an extent detrimental to the public interest of investors or consumers.

3. What terms and conditions, if any, are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 16, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to Southwestern Public Service Company and to James C. Tucker by registered mail; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-511; Filed, January 9, 1943; 2:16 p. m.]

[File No. 70-661]

LOUISVILLE TRANSMISSION CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of January, A. D. 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Louisville Transmission Corporation (Kentucky), an indirect subsidiary of Louisville Gas and Electric Company (Delaware), a registered holding company, and

Notice is further given that any interested person may, not later than January 25, 1943, at 4:00 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below;

Louisville Transmission Corporation (Kentucky) proposes to amend Section 3.05 of its First Mortgage and Deed of Trust, dated March 1, 1942, to Harris Trust and Savings Bank, Trustee, so as to provide for the release by said Trustee of certain funds presently impounded under said Section which now requires that the original project be entirely completed and in service before funds may be released for other purposes. Declarant represents that the original project is substantially complete and is in service, but that it is unable to certify to completion due to inability to secure certain auxiliary equipment, and desires to amend said Section to release funds for payment for the purchase of a 50,000 kw. transformer, and to allow it to use surplus funds deposited with the Trustee, to retire bonds and thereby reduce interest charges. All of the bonds issued and outstanding under said First Mortgage and Deed of Trust are owned by Northwestern Mutual Life Insurance Company and a copy of this notice will be sent to said holder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-526; Filed, January 11, 1943; 10:44 a. m.]

[File No. 70-489]

OGDEN CORPORATION

ORDER PERMITTING AMENDMENT NUMBER 6 TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of January 1943.

Ogden Corporation, a registered holding company, having filed amendment number 6 to its application in the above-captioned matter, pursuant to the Public Utility Holding Company Act of 1935, regarding the sale to The Equitable Life Assurance Society of the United States of $176,000 principal amount of The Laclede Gas Light Company Refunding and Extension Mortgage 5% Bonds, dated April 1, 1904, and extended to April 1, 1945, at the price of 99% of the principal amount thereof, plus accrued interest thereon from October 1, 1942, to the date of sale and delivery;

Said amendment number 6 having been filed on December 24, 1942, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said amendment number 6 within the period specified in said notice or otherwise not having ordered a hearing thereon; and

Ogden Corporation having requested that the effective date of said amendment be advanced; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said amendment pursuant to section 12 (d) of the Act and Rule U-44 promulgated thereunder to become effective; and finding that the sale is entitled to an exemption from the provisions of Rule U-50; and being satisfied that the effective date of such amendment should be advanced;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, That the aforesaid amendment number 6 be and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-527; Filed, January 11, 1943; 10:45 a. m.]